



UNITED STATES MARINE CORPS  
COMMANDING GENERAL  
BOX 788100  
MARINE CORPS AIR GROUND COMBAT CENTER  
TWENTYNINE PALMS, CALIFORNIA 92278-8100

CCO P1630.8B  
27-106  
13 Nov 96

COMBAT CENTER ORDER P1630.8B W/Ch 1, 2, 3, 4

From: Commanding General  
To: Distribution List

Subj: MOTOR VEHICLE AND TRAFFIC REGULATIONS

Ref: (a) MCO 5110.1C (NOTAL)  
(b) OPNAVINST 5560.10B (NOTAL)  
(c) California State Vehicle Code (NOTAL)  
(d) Uniform Vehicle Code and Model Traffic Order (NOTAL)  
(e) MCO P5300.12 (NOTAL)  
(f) CCO 1630.9  
(g) MCO P1020.34H  
(h) MCO 5100.19D

Encl: (1) LOCATOR SHEET

1. Purpose. To promulgate the motor vehicle and traffic regulations applicable to persons stationed, living, or working aboard the Marine Corps Air Ground Combat Center, Twentynine Palms, California.
2. Cancellation. CCO P1630.8A.
3. Background. Reference (a) establishes policy, responsibilities, and procedures for motor vehicle traffic supervision which includes but is not limited to the following: granting, suspending, or revoking the privilege to operate a privately owned motor vehicle on a military installation; registration of motor vehicles with a military installation or department; and administration of vehicle registration and driver performance records, to include driver improvement, police traffic supervision, and off-installation traffic activities. Reference (b) establishes standard, simplified procedures and forms for registering and marking privately or commercially owned motor vehicles of military and civilian personnel, or vehicles of individual and corporate members of the public, when such vehicles are to be operated on board installations of the Department of the Navy. References (c) and (d) establish instances wherein no Federal provisions exist. Reference (e) establishes criteria for alcohol/drug treatment and rehabilitation. Reference (f) addresses parking, towing and impoundment. Reference (g) Marine Corps Uniform Regulations prescribes safety equipment for motorcycle operators.
4. Summary of Revision. This Manual has been revised so that it consistently applies to the operation of motor vehicles by service members at all times, at all places, and to make it consistent with reference (c) . This Manual should be read in its entirety.
5. Information. All persons must obey this Manual when operating a motor vehicle on base. All service members subject to the Uniform Code of Military Justice (UCMJ) must obey this Manual when operating a motor vehicle at any time, at any location, on or off base.
6. Recommendation. Recommendations concerning the contents of the Motor Vehicle and Traffic Regulations are invited. Such recommendations will be forwarded to the Commanding General (C/S, PMO) via the appropriate chain of command.

7. Responsibility. The Provost Marshal is responsible for the enforcement of this Manual. Violations of this Manual shall be reported to the Provost Marshal's Office. All other responsibilities are specifically assigned within the regulations.

8. Applicability. This Manual is applicable to all persons stationed, living, or working aboard the Combat Center.

9. Certification. Reviewed and approved this date.

J. A. KEENAN  
Chief of Staff

DISTRIBUTION: A-1



UNITED STATES MARINE CORPS  
COMMANDING GENERAL  
BOX 788100  
MARINE CORPS AIR GROUND COMBAT CENTER  
TWENTYNINE PALMS, CALIFORNIA 92278-8100

CCO P1630.8B Ch 1  
27  
13 Aug 91

COMBAT CENTER ORDER P1630.8B Ch 1

From: Provost Marshal's Office  
To: Distribution List

Subj: MOTOR VEHICLE AND TRAFFIC REGULATIONS

Encl: (1) Page inserts to CCO P1630.8B

1. Purpose. To direct changes to the basic Order.

2. Action

a. Add reference (h) MCO 5100.19D to references of this Order.

b. Remove appendix A in it's entirety and replace with corresponding enclosure contained in the enclosure.

c. Change paragraph 4206.2 page 4-14 to read:

"2. All operators or passengers of bicycles who ride on installation streets or roadways, to include off base military housing, shall not ride unless wearing bicycle helmets which are properly fitted and secured and are approved by the American National Standards Institute (ANSI 290.4 - Bicycle Standards) or of the Snell Memorial Foundation (SNELL) type used for bicycling."

d. Add paragraph 8008 to read as follows:

"8008. THIRD PARTY TRAFFIC CITATIONS

1. Third party citations will be written at the request of SNCO's and Officer's only.

a. The Services Officer/Chief may authorize third party citations at the request of civilian employees, dependent wives/husbands or sergeants and below only on a case by case basis.

b. If the individual who requests the third party citation fails to appear in traffic court, the case will be dismissed.

2. Third party citations will be written for "major violations only." Examples are

(1) Speeding.

(2) Inattention to driving

(3) Reckless driving.

(4) Failure to wear protective clothing or safety equipment on motorcycle.

(5) Littering.

3. The validity and provability of the alleged offense shall be evaluated by the Military Policemen receiving the report. If the MP determines that the offense is not valid or is not provable in traffic court the third party citation will not be written. If the accuser wishes to contest the MP's decision not to accept the report, he/she will be directed to the Services Officer/Chief.

4. Third party citations will not be authorized for use by individuals involved in personal arguments/conflicts attempting to gain revenge upon another individual."

4. Summary of Revision. This new page insert contains major modifications as follows:

a. Appendix A was replaced in it's entirety with a new appendix. These changes completely revise the entire traffic points system and should be reviewed. It should be noted that no points will be awarded in conjunction with suspension and/or revocations.

b. Paragraph 4206.2 has changed and now requires all personnel regardless of age to wear bicycle helmets.

c. Paragraph 8008 the issuance of Third Party Citations.

5. Certification. Reviewed and approved this date.

6. Filing Instructions. File this change transmittal directly behind the signature page of the basic Manual.

J. D. LENARD  
Chief of Staff

Distribution: A-1



UNITED STATES MARINE CORPS  
COMMANDING GENERAL  
BOX 788100  
MARINE CORPS AIR GROUND COMBAT CENTER  
TWENTYNINE PALMS, CALIFORNIA 92278-8100

CCO P1630.8B Ch 2  
27  
1 Sep 97

COMBAT CENTER ORDER P1630.8B Ch 2

From: Provost Marshal's Office  
To: Distribution List

Subj: MOTOR VEHICLE AND TRAFFIC REGULATIONS

Encl: (1) Page inserts to CCO P1630.8B

1. Purpose. To direct pen changes to the basic Manual.

2. Action

a. In Appendix A, pages A-4 and A-5 make the following pen changes to the violations and adjudication's listed in the below paragraphs:

"32. At the end of the violation add "(Second Offense) One Month Suspension", and in the adjudication's section change to "Three Points" vice "One Month Suspension".

33. At the end of the violation add "(Second Offense) Two Months Suspension", and in the adjudication's section change to "Four Points" vice "Two Months Suspension

34. At the end of the violation add "(Second Offense) Three Months Suspension", and in the adjudication's section change to "Five Points" vice "Three Months Suspension"

35. At the end of the violation add "(Second Offense) Six Months Suspension", and in the adjudication's section change to "Three Months Suspension vice "Six Months Suspension

b. Below paragraph 35, change to read "(Third offenses will be twice the second offense suspension period)" vice "(Second Offenses) twice the original punishment.

c. 47. Change adjudication to read "Three Months Suspension" vice "Decal removal until deficiency is corrected."

4. Summary of Revision. These pen changes revise the points assessed for speeding in housing.

5. Certification. Reviewed and approved this date.

6. Filing Instructions. File this change transmittal directly behind the signature page of the basic Manual.

J. D. LENARD  
Chief of Staff

DISTRIBUTION: A-1



UNITED STATES MARINE CORPS  
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CCO P1630.8B Ch 3  
27  
13 Feb 98

COMBAT CENTER ORDER P1630.8B Ch 3

From: Commanding General  
To: Distribution List

Subj: MOTOR VEHICLE AND TRAFFIC REGULATIONS

1. Purpose. To direct pen changes to the basic Manual.

2. Action

a. Change paragraph 4214.2.a page 4-15 to read:

"a. Observe the same traffic rules and regulations required of pedestrians (i.e., stop at traffic control signs/devices). All skaters, skateboarders or rollerbladers shall skate on the left edge of the roadway against the flow traffic in a single file only."

b. In paragraph 4214.4 page 4-15, in the first sentence delete the word younger and replace with "older."

c. In paragraph 4206.2 page 4-14, insert the following to the beginning of the first sentence:

"All skaters, skateboarders, rollerbladers, and ".

d. In Appendix A, page A-3, number 16, change adjudication to read, "Six points or Six Months or less Suspension, or Revocation not more than one year is discretionary"

e. Change first sentence in Appendix C, page C-2, paragraph g, to read: "Finally, if your case results in suspension or revocation of your base driving privileges, you have a right to appeal my decision to the Commanding General".

3. Summary of Revision. These pen changes revise the regulations for the use of safety helmets and regulations concerning skating, skateboarding and rollerblading, a change to the punishment for reckless driving and clarification on the appeal process.

4. Filing Instructions. File this change transmittal directly behind the signature page of the basic Manual.

5. Certification. Reviewed and approved this date.

J. D. LENARD  
Chief of Staff

DISTRIBUTION: A-1

LOCATOR SHEET

Subj: MOTOR VEHICLE AND TRAFFIC REGULATIONS

Location: \_\_\_\_\_  
(Indicate the locations(s) of the copy(ies) of this Manual.)

ENCLOSURE (1)

# MOTOR VEHICLE AND TRAFFIC REGULATIONS

## RECORD OF CHANGES

Log completed change action as indicated.

Change Number	Date of Change	Date Entered	Signature of Person Incorporated Change
1	13 Aug 97	13 Aug 97	Central Files NCOIC
2	11 Sep 97	11 Sep 97	Central Files NCOIC
3	13 Feb 98	13 Feb 98	Central Files NCOIC



# MOTOR VEHICLE AND TRAFFIC REGULATIONS

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# MOTOR VEHICLE AND TRAFFIC REGULATIONS

## CHAPTER 1

### GENERAL INFORMATION

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# MOTOR VEHICLE AND TRAFFIC REGULATIONS

## CHAPTER 1

### GENERAL INFORMATION

1001. PURPOSE. The purpose of this Manual is twofold. First, it regulates the manner in which service members operate motor vehicles on and off-base. Second, it regulates all motor vehicle traffic aboard the Marine Corps Air Ground Combat Center, Twentynine Palms, California. The rules and regulations within this Manual are designed to supplement reference (c), which must also be obeyed by all persons on the Combat Center. Should any portion of reference (c) directly contradict a rule within this Manual, then reference (c) will prevail. Some of the subjects specifically addressed by this Manual are:

1. Granting, suspending, or revoking the privilege to operate a privately owned motor vehicle (POV).
2. Registration of privately owned motor vehicles and administration of driver performance records.
3. Driver improvement programs.
4. Police traffic supervision.
5. Off-installation traffic activities.

#### 1002. RESPONSIBILITIES

##### 1. Provost Marshal. The Provost Marshal will:

a. Have overall staff responsibility to direct, regulate, and control traffic and enforce laws pertaining to traffic control.

b. Conduct traffic control studies designed to obtain information on traffic problems and usage patterns.

c. Select and design permanent traffic and parking control devices. Provide Facilities Maintenance with the proper criteria so the proper permanent traffic and parking control devices may be procured, constructed and installed.

d. Apply traffic engineering measures, including control devices to reduce the number and severity of traffic accidents.

e. Through the Provost Marshal Vehicle Registration Office maintain private weapons registration of any privately owned weapons brought on board the Combat Center for storage and/or use at the base ranges and will ensure the following information is disseminated: procedures concerning possession, carrying, display or use of any privately owned firearm or other weapon as described in CCO 1630.6C.

##### 2. Safety Officer. The Combat Center Safety Officer will develop traffic accident prevention initiatives in support of the Combat Center Traffic Safety Program.

##### 3. Facilities Maintenance Officer. The Facilities Maintenance Officer will:

a. Perform that phase of engineering concerned with the planning, designing, constructing, and maintaining of streets, highways, and abutting lands.

b. Select, design, procure, construct, install, and maintain permanent traffic and parking control devices as requested by the Provost Marshal's Office and the Combat Center Safety Officer.

c. Ensure that traffic signs, signals and pavement markings conform to the standards provided by the Provost Marshal's Office

d. Ensure that the planning, designing, constructing, and maintaining of streets and highways conform to the National Highway Traffic Safety Administration (NHTSA) standards as implemented.

4. Traffic Engineer. The traffic engineer will:

a. Conduct formal traffic engineering studies.

b. Apply traffic engineering measures, including control devices, to reduce the number and severity of traffic accidents.

5. Substance Abuse Control Officer. The Combat Center Substance Abuse Control Officer will provide alcohol/drug education, treatment, and rehabilitation services, as appropriate, to all Combat Center personnel per reference (e)

1003. JURISDICTION (PROPRIETARY). The U.S. Marine Corps has no federal legislative jurisdiction over the land comprising the Combat Center, and has only a proprietary interest in the land. California state laws and regulations may be enforced by either the California Highway Patrol or the San Bernardino County Sheriff's Office aboard the Combat Center. Violations enforced upon civilians may be turned over to either agency for prosecution in the municipal courts, and in some cases Federal Magistrates Court.

1004. OPERATION OF MOTOR VEHICLES ABOARD THE COMBAT CENTER. The operation of privately-owned motor vehicles aboard the Combat Center is a privilege which is extended by the Commanding General to persons who meet certain qualifications. This privilege may be withdrawn for cause.

1. Responsibility. Every motor vehicle operator on this installation shall comply with this Manual, the motor vehicle laws of California, the regulations issued by the California Department of Motor Vehicles, and all traffic speed limits and other regulatory signs posted.

2. Suspension or Revocation of Driving Privileges. When it is determined that a person has failed to operate a motor vehicle in a safe, sane, prudent, or lawful manner consistent with this Manual, their driving privileges may be suspended or revoked. Anyone whose driving privileges have been suspended or revoked is forbidden to drive a privately owned motor vehicle on the Combat Center, and is forbidden to allow anyone else to operate their privately owned motor vehicle on the Combat Center, unless that person or other person is a bonafide dependent of the registered owner.

3. Motorcycles, Mopeds and Bicycles. This Manual is applicable to motorcycles, mopeds, and bicycles and their operators, unless obviously or explicitly excepted. Motorcycles, mopeds and motorized cycles are included in the term "motor vehicles," whereas bicycles are not. Motorcycle safety requirements apply to all motorcycles, mopeds and motorized cycles.

4. Violations

- a. This Manual is issued per United States Navy Regulations Article 0105. It concerns matters over which the Commanding General, Marine Corps Air Ground Combat Center exercises command, control or supervision.
- b. This Manual establishes mandatory regulations that must be adhered to by all persons, e.g., civilians, retired military, dependents, employees, contractors, etc.
- c. Violations of these regulations are also punishable per the UCMJ. An action may be commenced in accordance with the UCMJ without any action of the Combat Center Traffic Court.
- d. Disciplinary or punitive measures may be taken in addition to any administrative sanctions that may be imposed by the Combat Center Traffic Court pursuant to the implementation of this Manual.
- e. Only administrative actions (reprimand, assessment of points, loss of Combat Center driving privileges, or other actions) will be initiated against service members for off-base violations of this Manual except that a violation specifically punishable under UCMJ may also be commenced e.g., UCMJ Article 111, drunken or reckless driving.

MOTOR VEHICLE AND TRAFFIC REGULATIONS

CHAPTER 2

DRIVING PRIVILEGES

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# MOTOR VEHICLE AND TRAFFIC REGULATIONS

## CHAPTER 2

### DRIVING PRIVILEGES

#### 2001. REQUIREMENTS FOR DRIVING PRIVILEGES

1. Driving a Government vehicle or privately owned vehicle (POV) on board the Combat Center is a privilege granted by the Commanding General. Persons who want the privilege must:

a. Comply with the laws and regulations governing motor vehicle operation on this installation.

b. Comply with the Combat Center registration requirements (Chapter 3), if applicable.

c. Possess, while operating a motor vehicle and produce on request to law enforcement personnel:

(1) Proof of vehicle ownership or valid state registration.

(2) A valid state driver's license and/or Operators Form (OF) 346 (U.S. Government Motor Vehicle Operator's Identification Card), as applicable, supported by an armed forces identification card or other identification for non-DoD civilians.

(3) Proof of insurance for the vehicle. The only exception is non-DOD connected civilian personnel who must provide proof of insurance within 10 days if involved in a traffic accident aboard the Combat Center.

(4) Operators of Government motor vehicles with a Gross Vehicle Weight (GVW) of less than 10,000 lbs need only a valid state driver's license. The operators of vehicles over 10,000 lbs (GVW), emergency vehicles, buses (over 10 passengers capacity) and specialty vehicles must have an OF-346 in their possession when operating these vehicles.

2. Military personnel who operate Government vehicles or POVs must take part in alcohol/drug treatment or rehabilitation programs if review of the military member's driving record indicates that such action is appropriate.

3. Civilian personnel and military family members may be required to participate in these programs as a prerequisite to retention of installation driving privileges, or if employment requires operation of government motor vehicles.

#### 2002. STOPPING AND INSPECTING PERSONNEL OR VEHICLES

1. Military Vehicles. Military vehicles may be stopped by law enforcement personnel on the Combat Center.

a. At the time of the stop, the driver and occupants may be required to display all pertinent documents, including but not limited to:

(1) Authorization to operate a U.S. Government vehicle.

(2) Operator's driver's license or OF-346 valid for the particular vehicle and area of operation.

2. Privately Owned Vehicles

a. Any person who accepts the privilege of operating a motor vehicle on the Combat Center, by such action consents to the stopping and inspecting of that vehicle by law enforcement personnel. It is the intent of this Manual to authorize the stop and search of such vehicles to the maximum extent allowable under the United States Constitution and decisions of the U.S. Supreme Court. Specific guidance will be provided to the Provost Marshal's Office by the Office of the Staff Judge Advocate in this area.

b. At the time of the stop, the driver and occupants may be required to display all pertinent documents, including but not limited to:

(1) Armed Forces Identification Card

(2) Documents which establish the identity and status of civilians e.g., DD Form 1173 (Uniformed Services Identification and Privilege Card), DD Form 1602 (Civilian Identification), DLA Form 572 (Identification Card), DLA Form 1486 (Application for Identification Card), post pass, or national security card.

(3) Proper vehicle registration documents.

(4) Proof of valid liability insurance as required by paragraph 3007 of this Manual. The only exception is non-DOD connected civilian personnel who must provide proof of insurance within 10 days if involved in a traffic accident aboard the Combat Center.

2003. IMPLIED CONSENT TO BLOOD, BREATH, OR URINE TESTS. Persons accepting installation driving privileges shall be deemed to have given their consent to evidentiary tests for alcohol or other drug content of their blood, breath and/or urine. This will be carried out when a person is lawfully stopped, apprehended, or suspected of committing a traffic offense on the installation while under the influence of alcohol or an illegal drug.



MOTOR VEHICLE AND TRAFFIC REGULATIONS

CHAPTER 3

ADMISSION AND REGISTRATION OF MOTOR VEHICLES

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# MOTOR VEHICLE AND TRAFFIC REGULATIONS

## CHAPTER 3

### ADMISSION AND REGISTRATION OF MOTOR VEHICLES

#### 3001. ADMISSION OF MOTOR VEHICLES

1. Motor vehicles bearing a valid Combat Center visitor pass, temporary pass or DoD decal will be authorized entry and exit
2. All vehicles bearing a valid DoD decal with an installation tab from other military installations or stations shall normally be admitted without restrictions during normal working hours.
3. Personnel permanently assigned to a unit or organization located at the Combat Center are required to register their vehicles with the Vehicle Registration Office within three working days of reporting aboard.
4. Any person who knowingly introduces a motor vehicle without proper authorization, or who knowingly operates a vehicle on this installation when such act or acts are prohibited by this Manual or other competent order, shall be subject to prosecution.
5. Commercial and private vehicles shall be required to display Combat Center visitor passes, temporary passes or valid DoD decals
6. The admission of any motor vehicle may be denied by the Commanding General and/or Military Police when such denial is considered to be in the best interests of the Government.
7. Privately owned motor vehicles are authorized access/exit to/from the Combat Center on hard surface roads at the main gate on Adobe Road, the Ocotillo Housing gate on Morongo Road and the Condor Gate near Adobe Flats Housing at the south end of the installation. Unless specifically authorized by the Commanding General use of other roads by privately owned vehicles is prohibited.

#### 3002. HOURS OF ADMISSION

1. Motor vehicles bearing a valid DoD decal with a red or blue installation tab, or valid temporary pass shall normally be admitted at any hour.
2. Motor vehicles bearing a valid DoD decal with a green or white installation tab or valid temporary pass are authorized admittance only in conjunction with the operator's official duties, job, or service to the Combat Center.
3. Motor vehicles not otherwise authorized admission as indicated above and whose operators are not otherwise disqualified may be admitted at any hour upon the request of a recognized military or civilian sponsor under the following conditions:
  - a. This request shall be directed to the Provost Marshal's Office in the manner most convenient to the sponsor; that is, telephonically, in writing, or in person.
  - b. The sponsor need not be present at the time the guests are admitted.
  - c. The sponsor is responsible for the conduct of the guests.
  - d. Guests will be issued an appropriate pass for vehicle identification.
  - e. The sponsor must either live or work aboard the Combat Center.

3. Unsponsored visitors with official business on the Combat Center may bring motor vehicles aboard the Combat Center during daylight hours and must depart with their vehicles by the times designated on the visitor pass.

3003. REGISTRATION OF MOTOR VEHICLES AND MOTORCYCLES. Motor vehicles and motorcycles aboard the Combat Center will be registered per the following:

1. Temporary passes will be issued by the Provost Marshal's Office to operators of motor vehicles not bearing a DoD decal, but subject to the following:

a. To active duty military personnel, installation civilian employees, retired military personnel, survivors of deceased active duty and retired military members, and bonafide dependents whose military sponsors are assigned elsewhere, this pass will be issued for a 30 day period to allow the registrant time to obtain necessary documents for a DoD decal.

b. Applicants for the temporary pass shall be required to present a valid state registration or evidence of proof of ownership, a valid state operator's license, and certification of possession of the minimum motor vehicle liability insurance required by the State of California and this Manual.

c. The issuance of more than one temporary pass for the same vehicle is not authorized unless adequate justification can be presented.

d. The use of a temporary pass for contractors' vehicles and personnel must not exceed six months

e. A temporary pass may be issued to sponsored guests of personnel residing in government quarters or rental housing on the Combat Center. The sponsor need not be present at the time their guests are admitted. If the sponsor has not made prior liaison with the PMO concerning the guests, telephone verification is necessary. In those cases when the sponsor cannot be reached by telephone, a visitor's pass may be issued to allow the guests sufficient time to contact the sponsor. The temporary pass will be issued from the Vehicle Registration Office. If the Vehicle Registration Office is not open, a visitor's pass will be issued at the Main Gate until a temporary pass can be obtained

f. A temporary pass will also be issued to residents of the Officers' Guest Quarters and Temporary Lodging Facility.

g. In all cases, the temporary pass shall be displayed in the lower left corner of the windshield, except motorcycles, in which case the pass shall be in the operator's possession while operating the motorcycle.

h. Temporary passes will not be transferred to another vehicle.

2. Visitor Passes. May be issued at the Main Gate to operators of motor vehicles not bearing a valid DoD decal or a temporary pass as follows

a. To all authorized visitors

b. To operators of commercial vehicles traveling to place of delivery or business requiring access to the Combat Center less than three days a week.

c. To military and installation civilian employees initially introducing vehicles onto the base or under emergency or unusual conditions. Personnel initially introducing a vehicle onto the Combat Center through the Main Gate must report to the Vehicle Registration Office where a temporary pass and/or DoD decal will be issued.

d. A valid operator's license and registration/proof of ownership shall be presented before this pass may be issued. Motorcycle operators must comply with Equipment Requirements prescribed in paragraph 4304-4308 of this Manual.

e. This pass shall be displayed in the lower left corner of the windshield except for motorcycles, in which case the pass shall be in the operator possession while operating the motorcycle.

f. Visitor passes expire on midnight of the day of issue.

g. A visitor's pass may be issued, but may not be required, to visitors attending any special event to which the public is invited. This pass will be valid from the Main Gate to the location of the special event and the return trip upon completion of the event.

3. Permanent Decals. Personnel who desire to permanently register vehicles will be processed by the Vehicle Registration Office.

a. All nongovernment owned motor vehicles authorized to operate on the Combat Center will be registered in accordance with references (b), (c) and (d)

b. Eligible vehicle registrants include active duty military personnel, their dependents, civilians working on the Combat Center, retired military members, and bona fide dependents whose military sponsors are assigned elsewhere.

c. The standard decal is intended for gate or perimeter control only. It does not serve as personal identification, or for other purposes, such as parking or admittance to security or limited access areas.

d. The decal will be placed on the lower left corner of the windshield. On two wheeled vehicles, the decal will be placed on the left front fork.

(1) Every DoD decal issued from MCAGCC will have a MCAGCC installation tab and expiration date.

(2) The color for each category of the installation tab is as follows:

(a) Blue - Active duty military and retired officers.

(b) Red - Active duty military and retired enlisted.

(c) Green - Civilians who are full time employees of the U.S. Government and work aboard the Combat Center.

(d) White - Contractors - Civilians and their employees who have a contract to provide goods or services to the Combat Center or its residents.

e. In all cases, operators are required to present the following to obtain permanent registration:

(1) Valid military, military dependent, retired, or civilian identification card.

e. In all cases, operators are required to present the following to obtain permanent registration:

(1) Valid military, military dependent, retired, or civilian identification card.

(2) Valid state operator's or chauffeur's license for the type of vehicle being registered.

(3) Evidence of valid licensing or registration of the vehicle in a political subdivision (state or territory) of the United States.

(4) Proof of motor vehicle liability insurance which meets or exceeds minimum requirements of the state of California.

(5) Notarized written permission to operate the vehicle if the applicant is not the registered owner, legal owner, or spouse of the owner of the vehicle to be registered. Vehicles belonging to other than the immediate family will normally not be registered.

(6) All military personnel 25 years of age or under who register their vehicles on the Combat Center must show evidence of having satisfactorily completed a Driver's Improvement Course prior to vehicle registration. Upon acceptance of presented proof of completion, a DoD decal will be issued.

(7) An exception to paragraph (6) above will be student military personnel assigned to the Marine Corps Communication-Electronics School aboard the Combat Center.

(8) Effective 1 January 1996, all personnel with out of state vehicle registration who are permanently registering their vehicle aboard the Combat Center are required every 2 years to obtain and present a valid current California State Smog Certificate conducted by a certified California State Smog Inspection Station to the Vehicle Registration Department to obtain a permanent decal. Motorcycles and Diesel Powered vehicles are excluded from smog certification.

3004. REGISTRATION OF MOTORCYCLES. In addition and prior to the issuance of a permanent decal, all motorcycle operators, regardless of rank or age, must show proof of having satisfactorily completed the Motorcycle Driver's Course and skill test offered by the Center Safety Office or other USMC installation. Failure of the safety course examination or skill test will result in a 30-day waiting period before retesting. The motorcycle will not be registered until the safety course examination and the skills test have been satisfactorily completed. Operators of motorcycles aboard the Combat Center must possess a valid state operator's license specifically endorsed permitting motorcycle operation. If the licensing state does not require motorcycle licensing, none will be required.

1. There will be no extensions given for motorcycle temporary decals unless a duty commitment precludes a motorcycle operator's attendance at the Motorcycle Safety class and the extension is approved by the individual's officer in charge.

2. The temporary decals will be revoked immediately after a student fails the Motorcycle Safety class.

3. The permanent decal for motorcycles will be displayed on the front left fork of the motorcycle; however, if the motorcycle is equipped with a windshield, the decal may be displayed on the lower left portion of the windshield.

3005. REGISTRATION OF OFF-ROAD VEHICLES. Vehicles designed for off-road travel will be registered in the state from which it came or the State of California. If the off-road vehicle is not registered in another state the owner must register the vehicle with the State of California. Then the owner must register the vehicle with the Combat Center at the Vehicle Registration Office. The off-road vehicle may not be operated on the Combat Center until it is properly registered. Placement of the DoD decal will be in compliance with paragraphs 3003 and 3004.

3006. RESTRICTIONS. The privilege of retaining permanent decals and passes shall be subject to the following restrictions:

1. Combat Center vehicle passes and decals are issued as government property and remain so until surrendered or removed by competent authority. The unauthorized removal, sale, transfer to another vehicle, mutilation, forgery or obscuring of a decal or pass is prohibited.
2. It shall be the responsibility of registrants to maintain their decals or passes and safeguard their condition by routine care. The loss, mutilation or defacement of a permanent decal or pass shall be reported immediately to the Vehicle Registration Office which will replace it.
3. The registered owner of any vehicles for which permanent decals have been issued shall immediately notify the Vehicle Registration Office of their transfer from or termination of employment at the Combat Center; transfer of title or sale of the registered vehicle; state of registration change; cancellation of vehicle liability insurance; or change of vehicle description as to body style or color, so proper disposition of the decal can be made. The owner will also ensure that the installation tab, but not the DoD decal, is removed and destroyed upon their transfer from the Combat Center.
4. Upon permanent change of station, military personnel will notify the Vehicle Registration Office.
5. No operator of a motor vehicle shall drive aboard the Combat Center without the state registration of the vehicle.
6. Any person who knowingly falsifies any information contained in an application for any vehicle pass or decal and, on the basis of this falsified application, is issued and accepts such pass or decal shall be subject to prosecution and upon conviction may be punished in accordance with applicable law.
7. No person shall transfer registration plates issued for a privately-owned vehicle to another, except upon sale of the vehicle for which the plates were originally issued or as permitted by law.
8. No person shall willfully deface, destroy, or alter the manufacturer's serial or engine number or other distinguishing number or identification mark of a vehicle registered on the Combat Center and neither shall any owner permit the defacing, destroying, or alteration of such number or marks.
9. Those persons who operate a privately-owned motor vehicle aboard the Combat Center and who have had their driving privileges suspended or revoked by the Combat Center Traffic Court, any state, or another military installation must report to the Vehicle Registration Office within 24 hours after the imposition of the suspension or revocation to surrender their decals.
10. The owner of each motor vehicle registered on this installation must maintain the minimum insurance required by the State of California and paragraph 3007 below, throughout the period of registration.
11. Registration will be denied for any vehicle with modifications that do not comply with the California Vehicle Code safety requirements. Such vehicles are considered unsafe.
12. Vehicles bearing decals or stickers depicting obscene language or pictures will not be authorized access to the Combat Center, nor will a base pass or base decal be issued.

3007. INSURANCE. The minimum insurance requirements for the Combat Center and the State of California is "\$15,000.00 for bodily injury to or death of one person in any one accident, subject to such limit for one person, to a limit of not less than \$30,000.00 because of bodily injury to or death of two or more persons in any one accident, and if the accident resulted in injury to, or destruction of property, to a limit of not less than \$5,000.00 because of injury to or destruction of property of others in any one accident."

3008. MISCELLANEOUS REGISTRATION AND SAFETY REQUIREMENTS. All vehicles entering the State of California must comply with state vehicle safety standards. Any modifications of the vehicle must be done to California standards. It does not matter whether the vehicle is registered in another state or not. This would include equipment already placed on the vehicle, even though the vehicle is registered in another state. All such equipment that does not meet California standards will have to be removed e.g., tinted windows, lift kits, mirrors, extended wheels and tires, low suspension, etc..

3009. DRIVING RECORDS. Driver records assist in identifying persons who need driver improvement counseling or remedial driver training. Driver records will be sent to the next duty station when the service member or civilian employee is transferred. The Provost Marshal's Office will keep a record of all vehicle traffic accidents, moving violations, suspension or revocation actions and traffic point assessments involving military and DoD civilian personnel, their family members, and other personnel operating motor vehicles on board the Combat Center.

# MOTOR VEHICLE AND TRAFFIC REGULATIONS

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4001. CALIFORNIA LAW. Reference (c) is in full force and effect on the Combat Center. Any violation of reference (c) aboard the Combat Center is a violation of Federal and State law and could subject the perpetrator to prosecution. It is the responsibility of all persons who operate a motor vehicle on board the Combat Center to thoroughly familiarize themselves with reference (c) and abide by it at all times.

#### 4002. DRIVING REGULATIONS

##### 1. Motor Vehicle Operators

a. All persons who accept the privilege of operating a motor vehicle on board the Combat Center must abide by all motor vehicle regulations set forth herein. These regulations are in addition to the regulations contained in reference (c) or in some cases may overlap with reference (c). Failure to abide by all Combat Center Traffic Regulations published herein or all sections of reference (c) not published herein will subject the violator to administrative sanctions in addition to the possible criminal penalties set out elsewhere in this Manual.

b. Those sanctions which are fully set forth in Chapter 7 of this Manual include the loss of driving privileges aboard the Combat Center in appropriate cases.

2. Motor Vehicle Operators Subject to the UCMJ. All persons subject to the UCMJ are specifically ordered by the Commanding General, MCAGCC, Twentynine Palms, California, to obey all Combat Center Traffic Regulations published herein as well as all sections of reference (c). Failure to do so will constitute a violation of a lawful general order under the UCMJ.

# MOTOR VEHICLE AND TRAFFIC REGULATIONS

## CHAPTER 4

### COMBAT CENTER TRAFFIC CODE

#### SECTION 1: RULES OF THE ROAD

4101. GENERAL. Notwithstanding the enumeration of prohibited acts of conduct set forth hereafter, any offense arising out of the operation of motor vehicle cognizable under the laws of California and/or Federal law, shall be chargeable as a violation of this Manual.

#### 4102. MOTOR VEHICLE OPERATIONS

1. No person shall drive a vehicle carelessly in willful or wanton disregard of the rights or safety of others or without due caution and circumspection, or at a speed or in a manner so as to endanger any person or property.

2. No person shall willfully operate a motor vehicle or knowingly permit a motor vehicle owned by them or under their control, to be operated in prearranged or spontaneous speed competition e.g., drag racing.

3. Upon all roads of sufficient width, except upon one-way streets, the driver of a vehicle shall drive upon the right half of the road. When driving a slow moving vehicle, the vehicle will be driven as close as possible to the right-hand curb of the road.

4. In crossing road intersections, vehicles shall travel on the right half of the road unless that side is obstructed and impassable.

5. Drivers of vehicles proceeding towards each other shall pass each other by staying on the driver's right side of the roadway, each giving the other at least one half of the main traveled portion of the roadway.

6. Any person operating a motor vehicle with its headlights on, when meeting another vehicle, during the period from one half-hour after sunset to one half-hour before sunrise shall control the lights of the vehicle by shifting, depressing, deflecting, tilting or dimming the headlight beams in such a manner that the vehicle shall not project a glaring or dazzling light against the other vehicle within a distance of 500 feet

7. During the period from one half-hour after sunset to one half-hour before sunrise and at any other time when, due to insufficient natural light, persons and vehicles on the roadway are not discernible at a distance of 1000 feet ahead, all vehicles traveling on the highway will have their lights turned on and in working condition.

8. Every vehicle that is equipped with headlights or is required to be equipped with headlights, will have the headlights illuminated at any time when the windshield wipers are in use, as a result of rain, sleet, or snow. The only exception is when the windshield wipers are used intermittently in misting rain, sleet or snow. The headlights will also be utilized in sandstorm conditions in which the visibility is less than 1000 feet ahead.

#### 4103. OVERTAKING AND PASSING

1. The driver of a motor vehicle passing another vehicle proceeding in the same direction shall, except where passing on the right is permitted, ensure that the oncoming lane is free of traffic for a reasonable and safe distance, and then after

giving the appropriate signal to pass, pass at least two feet to the left thereof and shall not return to the right side of the road until safely clear of the overtaken vehicle.

2. The driver of a vehicle passing another to the left shall not drive to the left side of the center of the road where a solid yellow center line has been painted and is visible on the right or both sides of the center line.

3. The driver of a vehicle may overtake and pass upon the right of another vehicle only when the vehicle overtaken is in a lane designated for left turns

4. The driver of a vehicle shall not overtake and pass another vehicle proceeding in the same direction when approaching within 100 feet of or when traversing any intersection. This does not apply when driving upon a one-way roadway

5. The driver of a vehicle shall not overtake and pass another vehicle proceeding in the same direction upon the crest of a grade or upon a curve in the road where the driver's view along the road is obstructed within a distance of 500 feet.

6. The driver of a vehicle shall not overtake and pass another on any portion of the road which is marked by signs or markers stating or clearly indicating that passing should not be attempted.

7. The driver of a vehicle about to be overtaken and passed by another vehicle approaching from the rear shall, unless the overtaking and passing is being made upon the right, give way to the right in favor of the overtaking vehicle. The driver of the overtaken vehicle shall not increase the speed of the vehicle until completely passed by the overtaking vehicle.

8. Every person operating a motor vehicle and approaching from any direction on the same road while any school bus, base bus or privately owned bus is stopped and engaged in receiving or discharging passengers, therefrom shall bring their vehicle to a full stop and shall remain stopped until the passengers are received or discharged, and until the "flashing red lights" of the bus have been turned off or until the bus has moved on.

#### 4104. TURNING

1. The driver of a vehicle intending to turn right at an intersection shall approach the intersection in the lane of traffic nearest to the right-hand side of the road and shall keep as close as practicable to the right-hand curb.

2. The driver of a vehicle intending to turn left at an intersection shall approach the intersection in the lane of traffic nearest the center of the road and shall pass beyond the center of the intersection before turning left. In the event that the turn is being made from a one-way street the turn should be made in the same manner only from as close as practicable to the left-hand curb.

3. The driver of a vehicle shall first see that movement can be made safely before starting, stopping, or turning from a direct line. If any pedestrian may be affected by such movement, the driver shall, before making the movement, give a clearly audible signal by sounding the horn; if any other vehicle may be affected by the movement, the driver shall give a signal by means of the hand and arm or by a mechanical or electrical signal device, plainly visible to the driver of the other vehicle, within 200 feet.

4105. BACKING. No vehicle shall be backed until the driver has ascertained that the maneuver can be made safely.

4106. MISCELLANEOUS

1. The driver of a vehicle other than one on official business shall not follow any emergency vehicle or fire apparatus closer than 400 feet
2. No vehicle shall be driven over a fire hose or any other equipment that is being used at a fire unless so directed by the fire department official in charge.
3. No person shall willfully drive or operate a vehicle on any road designated and properly posted with signs for one-way traffic except in the direction indicated by the signs.

4107. RIGHT-OF-WAY

1. When two vehicles approach or enter an uncontrolled intersection at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right, except as otherwise provided hereinafter.
2. The driver of a vehicle approaching but not having entered an intersection shall yield the right-of-way to a vehicle already within the intersection whether the vehicle in the intersection is proceeding straight ahead or turning in either direction.
3. The driver of a vehicle entering a through road from a driveway or parking lot exit shall yield the right-of-way to all vehicles approaching on the through road.
4. The driver of a vehicle shall yield the right-of-way to military police, fire department vehicles, tactical-type emergency vehicles, ambulances, and/or rescue squad/emergency service vehicles giving warning signals by appropriate light and by audible bell, siren, or exhaust whistle, (audible under normal conditions for a distance not less than 1,000 feet). The driver shall immediately drive their vehicle to a position as near as possible and parallel to the right-hand edge or curb, clear of any intersection of streets or highways, and shall stop until the emergency vehicle has passed. Traffic on one-way streets which cannot pull off to the right because of parked cars and traffic in the left lane of dual lane roads shall pull off to the left clear of the traveled portion of the road.
5. Whenever stop signs have been erected at the gate to this installation or entrance to a main traveled or through road, no driver shall fail to stop and shall yield the right-of-way to vehicles operating on the main traveled or through road and approaching the intersection

4108. MOTORCYCLES

1. In addition to the preceding rules for all other vehicles, the following unsafe practices are forbidden for all motorcycles operated aboard the Combat Center:
  - a. Carrying passengers or materials in front of the operator which interfere with control of the motorcycle. This includes all items except those attachable compartments designed to be placed on the front or gas tank of the motorcycle.
  - b. Use of the same traffic lane by two motorcycles abreast.
  - c. Carrying more passengers than the motorcycle's capacity
  - d. Trail riding, racing and other related activities, except where authorized in designated areas.
2. Motorcycle riding will be confined to primary roads, and to secondary grade roads not posted to restricted travel, to designated parking areas, or to designated

off-road areas. The only area authorized for off-road/ATV use is the area adjacent Berkeley Road, North of the Ocotillo Heights Seven Day Store.

3. No person shall operate a motorcycle unless the operator and passenger wear required safety equipment such as helmets with chin straps properly fastened, reflective vests, proper eye protection (see section 4305(2)), long pants, and proper shoes (see section 4305(3)). **Civilian riding gear other than the aforementioned helmet and gloves: I.e. jacket, riding boots, etc., ar not authorized while wearing the prescribed unifrom of the day.**

4. Motorcycles are to be operated with headlights on at all times.

#### 4109. SPEED RESTRICTIONS

1. No person shall drive a vehicle at a greater speed that is reasonable and prudent under the existing conditions.

2. No person shall operate a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation because of mechanical failure or in compliance with this Manual.

3. The driver of a motor vehicle shall not follow another vehicle- more closely than is reasonable and prudent having due regard for the speed of other vehicles, the traffic and the condition of the road.

4. Except as may be otherwise provided in this Manual, it shall be unlawful to operate a vehicle in excess of the following speeds:

a. 10 mph while passing troops.

b. 10 mph in any parking and service area.

c. 15 mph in housing and troop billeting areas unless otherwise posted.

d. Except as noted above, no motor vehicle shall be operated at a speed in excess of the posted speed limit.

e. 30 mph on main supply roads (MSR) and 15 mph on all other dirt roads.

5. Drivers shall decrease speed when approaching and crossing an intersection, when approaching and going around a curve, or when special hazards exist with respect to pedestrians or other traffic or by reason of weather or road conditions. Speed shall also be decreased as may be necessary to avoid colliding with any person, vehicle, or conveyance on or entering the road.

4110. PARKING AND UNATTENDED VEHICLES. Parking and unattended vehicles shall be handled per reference (c)

#### 4111. TOWING TRAILERS

1. No person shall drive any motor vehicle which is pulling more than one trailer or semi-trailer. The trailer shall be firmly attached to the rear of the motor vehicle pulling it so it will not shake, but will travel in the path of the wheels of the vehicle drawing it. Equipment shall be kept in good condition at all times.

2. No person shall drive any motor vehicle which is pulling a house trailer of 1,000 pounds gross weight or more, unless the house trailer is equipped with brakes controlled or operated by the driver of the towing vehicle.

#### 4112. TOWING AND PUSHING VEHICLES

1. No motor vehicle shall be driven which is towing more than one other motor vehicle.
2. Tow lines or chains shall not be used for towing privately owned vehicles.
3. Tow bars shall be used in towing all vehicles, except for towing requirements utilized by tow trucks.

4113. LOADS ON MOTOR VEHICLES

1. Loads may not extend more than three feet beyond the front wheels of the vehicle or the front bumper of the vehicle if it is equipped with a bumper.
2. No person shall drive or move any motor vehicle unless the vehicle is constructed or loaded to prevent any of its load from shifting and/or falling from the vehicle.
3. No person shall operate any motor vehicle with a load which extends more than four feet beyond the rear of the bed or body unless a red flag (at least 12 inches wide by 12 inches long) is attached to the load in such a manner that it will be clearly visible at all times from the rear of the vehicle. Between one half hour after sunset and one half hour before sunrise there shall be displayed at the end of any such load a red light plainly visible under normal atmospheric conditions at least 200 feet from the rear of the vehicle.

# MOTOR VEHICLE AND TRAFFIC REGULATIONS

## CHAPTER 4

### COMBAT CENTER TRAFFIC CODE

#### SECTION 2: GENERAL REGULATIONS

##### 4201. OPERATOR'S PERMIT AND LICENSE

1. No person shall operate a motor vehicle unless in immediate possession of a valid driver's license or chauffeur's license issued by any state or territory of the United States or international driver's license.
2. No person whose operator's or chauffeur's license has been suspended or revoked shall drive any motor vehicle during the period of suspension or revocation.
3. No person shall operate any privately owned motor vehicle unless such person has first been licensed as an operator, except when under instruction and has a California Temporary Learner's Permit in their immediate possession, at which time a licensed operator shall occupy a seat beside the driver and shall be responsible for the operation of the vehicle.
4. No person shall display or present a license not issued to the person displaying it.
5. No person shall display or cause to be displayed, or have in their possession any operator's or chauffeur's license knowing the same to be fictitious or to have been canceled, revoked, suspended, or altered.
6. No person shall counterfeit, sell, lend, or knowingly permit the use by any person not entitled to any operator's or chauffeur's license.
7. No person shall authorize or knowingly permit a motor vehicle owned by them or under their control to be driven by any person who has no legal right to do so, to include allowing someone to drive their vehicle while knowing or having reason to know that the person driving the vehicle is under the influence of alcohol or drugs.

##### 4202. RESPONSIBILITY FOR AND CONTROL OF VEHICLES

1. The senior military passenger in a motor vehicle driven by a military dependent or by a member of the military service junior in rank to the passenger shall use reasonable efforts to cause the driver to abide by these regulations and report any violations to proper authorities.
2. It shall be the responsibility of the driver of such vehicle admitted to or driven upon this installation to ensure that no person or items prohibited by these regulations, federal statutes, or local laws or ordinances are transported onto, within, or off this installation in their vehicle
3. The driver of any vehicle other than a licensed public carrier is responsible for the conduct of all passengers therein.

##### 4203. PASSENGERS

1. No person shall operate a motor vehicle which is so loaded or crowded with passengers or property, or both, as to obstruct the operator's view of the road, including intersections, or so as to impair or restrict the proper operation of a vehicle.



2. While driving a motor vehicle, no person shall permit more than three persons, including the driver, to ride in the front seat of the vehicle nor shall any person carry more persons in a motor vehicle than the vehicle was originally designed to carry.
3. There shall be no passengers riding in the bed of pickup truck or other truck unless the truck is provided with seats designed for passenger use.
4. All passengers shall be inside a motor vehicle before it is started. The tail gate, if there is one, shall be in the raised position whenever the cargo permits. No person shall be permitted to ride on the tail gate, either raised or lowered, on the side of a vehicle, or on the running board, except on those vehicles designed to carry personnel on the outside
5. No passenger shall be permitted to ride any type vehicle in such a manner that any part of their person, clothing, equipment, or weapon protrudes beyond the exterior of the body or cab of the vehicle. Passengers riding in vehicles with canvas tops or curtains shall not lean their person or equipment against the canvas in any manner that will extend the canvas outward.
6. No child under the age of 10 shall be left in a vehicle unless in the custody of a person at least 10 years of age or older.
7. No animals shall be left unattended in any vehicle at any time.
8. Unless properly licensed to do so, no person shall transport any other person as a passenger in any private vehicle upon the payment of, or agreement to pay, any fee; nor shall any person solicit any other person to become a passenger for a fee in a private vehicle. This does not prohibit "share the expense plan" or a car pool where the operator of the vehicle is the owner, and the cost of operation is actually shared by the passengers.
9. Vehicles will not stop on the hardtop pavement of a main traffic lane to pick up or discharge passengers but will move into a turnout, driveway or side road for this purpose.
10. The driver of a school bus shall never move the bus while the passengers are entering or leaving it. The driver shall see that all passengers are in place on the bus and all doors are closed before starting the bus in motion.
11. All drivers of passenger vehicles being operated aboard the Combat Center, including pickup trucks and vans, are required to protect all riders by proper restraints, meaning:
  - a. "Child Passenger Restraints" (properly secured) for any child under four years of age, regardless of weight, or weighing less than 40 lbs, regardless of age.
  - b. No person (to include military and civilians) shall operate or ride in a privately owned motor vehicle aboard this installation without the use of a seat belt. This policy is only applicable to those vehicles that come equipped with seat belts as original equipment or have had the seat belts installed.

#### 4204. HITCHHIKING AND IMPEDING TRAFFIC

1. "Hitchhiking" and impeding traffic by pedestrians is prohibited.
2. Hitchhiking is defined as endeavoring by words or gestures to beg, invite, or secure transportation by any motor vehicle not engaged in the carrying of passengers for hire.

3. Impeding traffic is defined as an act which interferes with, blocks or hinders the normal flow of traffic.

#### 4205. PEDESTRIANS AND MARCHING TROOPS

1. Pedestrians, other than military formations, shall walk or run/jog on the left side of the roadway facing oncoming traffic. Pedestrians will run/jog with no more than two individuals abreast and always move off the roadway to allow oncoming traffic to proceed unhindered.

2. Every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian and shall give warning by sounding the horn when necessary, and exercise proper caution by reducing speed and, if necessary, coming to a full stop upon observing a child or any confused or incapacitated person upon a road.

3. The driver of any vehicle aboard this installation shall yield the right-of-way to a pedestrian crossing the road within any clearly marked crosswalk or any regular pedestrian crossing included in the prolongation of the lateral boundary lines of the adjacent sidewalk at the end of a block, except at intersections where the movement of traffic is being regulated by a Military Policeman or traffic control device.

4. Whenever any vehicle is stopped at a marked crosswalk or unmarked crosswalk at an intersection to permit a pedestrian to cross the road, the driver of any other motor vehicle approaching from the rear shall not overtake and pass the stopped vehicle.

5. Troops in a formation within populated areas shall be marched in a column of threes using the sidewalks where they exist. When it is necessary to march on the road, the formation shall be marched with vehicular traffic on the right side of the road. At no time will troops in formation interfere with traffic flow in both directions.

6. Troop formations shall be formed, halted, and dismissed in an area where the formation will not interfere with vehicular traffic.

7. Persons in charge of troop formations marching on roads shall assign traffic guides to assist in warning and guiding oncoming vehicular traffic. When crossing intersections, these guides from the formation shall be assigned to stop traffic approaching from each flank. Between sunset and sunrise, these traffic guides shall be provided with flashlights and reflective vests for use in traffic control.

#### 4206. BICYCLES

1. Bicycles shall observe the same traffic rules and regulations required of motorists and will ride on the right edge of the roadway with the flow of traffic in single file only. No more than one rider is permitted unless the bicycle is provided with seats for more.

2. All skaters, skateboarders, rollerbladers, and all operators or passengers of bicycles who ride on installation streets or roadways, to include off base military housing, shall not ride unless wearing bicycle helmets which are properly fitted and secured and are approved by the American National Standards Institute (ANSI 290.4 - Bicycle Standards) or of the Snell Memorial Foundation (SNELL) type used for bicycling.

3. Bicycles shall not be operated during hours of darkness unless equipped with illuminated headlights and rear reflectors or lights as defined below:

- a. With a head lamp emitting a white visible beam from a distance of 300 feet in front and from the sides of the bicycle.
- b. With a red reflector on the rear which shall be visible from a distance of 500 feet to the rear when directly in front of a vehicle with its upper beam headlamps on.
- c. With a white or yellow reflector on each pedal visible from the front and rear of the bicycle from a distance of 200 feet.
- d. With a white or yellow reflector on each side of the forward center of the bicycle, and with a white or red reflector on each side to the rear center of the bicycle.
- e. The rider is required to wear a reflectorized vest during the hours of darkness.

4207. MOTORIZED BICYCLES (MOPEDS) RESTRICTIONS. All pedal bicycles with helper motors aboard the Combat Center will be rated at two-brake horsepower or less and incapable of exceeding 25 MPH. Mopeds will follow the same rule and regulations as stated in paragraph 4206 above. Mopeds will not be operated upon any highway or public vehicular area of the Combat Center by any person under the age of 14 years. Helmets and reflective vests must be worn by all moped operators. In addition, a valid California Learner's Permit is required. All rules and regulations that apply to motorcycles also apply to motorized bicycles and mopeds.

4208. HONORS AND SALUTES. At morning and evening Colors and during the playing of the National Anthem, all vehicles, except those on authorized emergency runs, shall be brought to a stop and shall remain stopped until "Carry On" is sounded; drivers and passengers of such vehicles shall remain seated at attention.

4209. TRANSPORTATION OF ALCOHOLIC BEVERAGES

1. Alcoholic beverages in an open container cannot be transported in a motor vehicle unless transported in a compartment that is inaccessible to the driver and passengers of the vehicles. An open container is defined as any container, the seal of which has been broken and/or the cap/tab stopper removed, whether or not any of the contents therein have been removed.
2. Transportation of alcoholic beverages, in quantities and under conditions not otherwise prohibited, is permitted between places where possession of such beverages is authorized.

4210. RESTRICTED AREAS

1. No vehicles shall be driven into any area designated as "Off Limits", "Danger", "Exclusion", or "Restricted" unless the operator is authorized access on official business by proper authority.
2. Vehicles shall not be driven on the shoulders of roadways.

4211. MISCELLANEOUS. No person shall walk, jog and/or operate a vehicle (to include bicycles and mopeds) wearing headphones or earphones attached to any type stereo or music playing device.

4212. SEAT BELTS. All persons operating or riding in a motor vehicle required to be equipped with seat belts or that contains seatbelts and assemblies, shall wear

the seat belts whenever the vehicle is in motion, regardless of location. Each person is responsible for ensuring that all of the seatbelts in their privately owned vehicle are fully operational and in good working order.

4213. RADIO EQUIPMENT. All drivers operating their vehicles with radio or stereo equipment functioning are not allowed to increase the volume so it can be heard outside the confines of the automobile.

4214. ROLLER SKATING, ROLLER BLADING AND SKATEBOARDING

1. These activities are allowed during daylight hours on all paved surfaces except on Del Valle and Adobe streets, and on 5th and 6th street between Brown and Sturgis streets.

2. While engaging in these activities the below listed rules will be adhered to:

a. Observe the same traffic rules and regulations required of pedestrians (i.e. stop at traffic control signs/devices). All skaters, skateboards or rollerbladers shall skate on the right edge of the roadway with the flow of traffic in single file only.

b. Never be assisted by a moving vehicle (i.e. car, truck, bicycle)

c. Never jump any type of ramp or any stair casing.

d. Never grandstand or show off in any manner.

3. All personnel 17 years of age or younger are required to utilize a safety helmet, elbow pads and knee pads while engaging in these activities

4. Personnel 18 years of age or **older** are required to wear a safety helmet and are encouraged to utilize protective equipment while aboard the Combat Center.

# MOTOR VEHICLE AND TRAFFIC REGULATIONS

## CHAPTER 4

### COMBAT CENTER TRAFFIC CODE

#### SECTION 3: EQUIPMENT

4301. GENERAL. All equipment on every vehicle required by law, regulation, or for safety, must be in good working condition. Vehicles not meeting the appropriate California State requirements shall not be permitted on the installation. In cases where questions arise on operating equipment not covered by state regulations or this Manual, the Provost Marshal will determine if the vehicle in question will be allowed on the Combat Center.

4302. OPERATING EQUIPMENT. No person shall operate any vehicle not equipped to meet the mechanical and safety requirements of the State of California upon any road on the Combat Center.

4303. PROHIBITED EQUIPMENT. No person shall operate a motor vehicle upon any road aboard this base:

1. Using a cutout or straight through muffler on the vehicle.
2. Using any spotlight on the rear of the vehicle unless the vehicle is so equipped for a public service.
3. That has any radar detector in the vehicle
4. Which displays a red or blue light visible from the front of the vehicle unless the vehicle is employed in a public service or is an emergency vehicle. Blue lights are restricted to official police vehicles only
5. Which is equipped with a siren, compression/spark plug whistle, unless required to do so as a part of their official duties.
6. Using a "horn", except as reasonable warning, nor will the driver make any unnecessary or unreasonable loud or harsh sounds by means of a horn or other warning device.
7. With the manufacturer's specified height being elevated or lowered, either in front or back, by modification, alteration, or change of physical structure of the vehicle, that do not meet requirements set forth in reference (c).
8. Missing any factory equipped body parts, i.e., windshield, hood, doors, body panels, bumpers.
9. Any vehicle unless equipped with fenders, covers or devices, including flaps or splash aprons, or unless the body of the vehicle or attachments thereto afford adequate protection to effectively minimize the spray or splash of water or mud to the rear of the vehicle and all such body or attachments shall be at least as wide as the tire tread measured. The width of mud flaps must cover the complete width of the tread and permanently attached so the widest part of the mud flap is closest to the ground.

4304. MOTORCYCLE OPERATING EQUIPMENT. No person shall operate a motorcycle not equipped to meet the mechanical and safety requirements of the State of California.

4305. PERSONAL PROTECTIVE EQUIPMENT (PPE). The following PPE is mandatory for all persons operating or riding as a passenger on a motorcycle on DoD installations, and for all military personnel operating or riding on a motorcycle off installations, on and off road, in uniform or civilian clothes:

1. Helmet. Helmets must consist of a hard outer shell. They must have a Polystyrene foam liner of at least 3/4 inches in thickness and have a comfort liner. the chin strap will be sturdy with solid rivets. The helmet should not have anything protruding from its outer shell by more than two tenths of an inch. the helmet must be approved by one of the following institutes: American National Safety Institute (ANSI), Department of Transportation (DOT) or Snell Institute (SNELL) and must be worn properly. The DOT sticker will be attached to the outside rear of the helmet. The ANSI or SNELL approval will be located on the inside of the helmet on the comfort liner. The helmet must have a manufacture's label on or inside the helmet as required by FMVSS 218. The label must have the manufacturer's name, helmet model, size, date of manufacture and construction material.

2. Eye Protection. Windshields are not considered eye protection. Eye protection will consist of goggles, a faceshield attached to the helmet or sunglasses which meet the American National Standards Institute's specifications (ASNI 787.1). The lenses of the goggles should be made of Lexan or Butrayte plastic to prevent shattering and should be certified by the Vehicle Equipment Safety Commission Standard (VESC-8). The face shield will be well ventilated to prevent fogging and constructed to protect the eyes form dirt, bugs, dust, water, and other foreign objects. This shield will be shatterproof and must be in the down position when the motorcycle is in motion at any speed. The top portion of the shield should have embossed on the plastic the (ASNI 787.1) Dumber or the (VESC-8) number, indicating that the shield was tested and approved. The sunglasses must be shatterproof and must cover the eye and the eye socket.

3. Footwear. Boots or hard soled shoes with an elevated heel (preferably with a one inch heal) are required. The boot should be constructed of leather sides that extend above the top of the ankle with hard leather or other hard soles. Tennis shoes, sandals, and open toed shoes are not acceptable footwear.

4. Clothing. Properly worn long-sleeved shirt or jacket, long-legged trousers and full-fingered gloves or mittens.

a. The PPE for motorcycle operators during off-road operations should also include knee and shin guards and padded full-fingered gloves.

5. Vests. A commercially available mesh/fabric vest or other upper torso garment worn as the outer garment. The garment must not be covered or concealed, such as by a back pack. The garment will be bright yellow, international orange or lime green and will have 1 1/2" to 2" wide vertical or horizontal retro-refelctive strips front and back. A back pack may be worn in lieu of the vest providing it meets all the requirements set forth in this paragraph.

4306. HEADLIGHTS. Headlights will be used at all times on motorcycles and other self-propelled, open, two-wheel, three-wheel, and four-wheeled vehicles powered by an electric or fuel powered motor.

4307. APPROVED PROTECTIVE EQUIPMENT. Approved protective helmets, eye protection and highly reflective vests will be worn by operators and passengers of motorcycles and other self-propelled two-wheeled, three-wheeled and four-wheeled vehicles powered by an electric or fuel powered motor.

4308. MIRRORS. A rear view mirror will be attached to each. side of the handlebars on motorcycles and other self-propelled two-wheel, three-wheel, and four-wheel vehicles powered by an electric or fuel powered motor.

4309. HEADPHONES/EARPHONES. The wearing of headphones/earphones is prohibited while driving a U.S. Government vehicle, POV, motorcycle or other self-propelled two-wheel, three-wheel, and four-wheel vehicle powered by an electric or fuel powered motor. This does not negate the requirement for wearing hearing protection when conditions require their use.

4310. RESTRAINT SYSTEMS. These are required only in vehicles manufactured after January 1968. However, if restraints were installed in older vehicles, those restraints must be used.

4311. TINTED WINDOWS. The restrictions on tinted windows shall be the same as those found in reference (c), Sections 26708, 26708.2 and 2(708.5. Briefly restated:

1. No window tinting material or objects will be placed or affixed on the front windshield or the drivers seat side windows.
2. This rule does not prohibit any degree of tinting to side windows to the rear of the driver, or to the back window in a motor vehicle which is equipped with outside mirrors on both sides enabling the driver to view at least 200 feet of highway behind the vehicle, or to tinting material applied to top of windshield in accordance CVC 26708 subdivision (c).

4312. SUN SCREENING DEVICES. Sun screening devices may be installed on the side windows in the front seat only when all of the following preconditions exist:

1. The driver or a passenger in the front seat has in their possession a letter signed by a licensed physician and surgeon or an optometrist certifying that the person must be shaded from the sun due to a medical condition or a visual condition.
2. The device is easily removable e.g., clip-on roller shade.
3. The device utilizing transparent material is green, gray, or a neutral smoke color and has a luminous transmittance of not less than 35 percent.
4. Devices utilizing nontransparent louvers or other alternating patterns of opaque and open sections shall have an essentially uniform pattern over the entire surface, except for framing and supports. At least 35 percent of the device area shall be open and no individual louver or opaque section shall have a projected vertical dimension exceeding 3/16 inch.
5. Devices shall not have a reflective quality exceeding 35 *percent* on either the inner or outer surface.
6. The devices are not used at night.
7. Tinted safety glass with a DOT seal may be installed in a vehicle if the glass complies with safety standards of the United States Department of Transportation for safety glazing materials and if the glass is installed in a location permitted by those standards.

MOTOR VEHICLE AND TRAFFIC REGULATIONS

CHAPTER 5

ENFORCEMENT OR MOTOR VEHICLE AND TRAFFIC REGULATIONS

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## MOTOR VEHICLE AND TRAFFIC REGULATIONS

### CHAPTER 5

#### ENFORCEMENT OF MOTOR VEHICLE AND TRAFFIC REGULATIONS

5001. GOALS. It is the goal of the Commanding General to eliminate the numbers of traffic related deaths/injuries to and caused by service members. It is also the goal of the Commanding General to maintain a safe and effective flow of traffic on board the Combat Center. To achieve these goals the Commanding General directs the following:

1. This Manual be widely disseminated and made available to the public.
2. That all signs, markings, and signals aboard the Combat Center be in accordance with the National Highway Safety Program and the manual on Uniform Traffic Control devices and the State of California for streets and highways.
3. That all law enforcement personnel establish courteous, personal contact with drivers and act promptly when driving behavior is improper or a defective vehicle is observed in operation.
4. That all law enforcement personnel take steps to detect and apprehend persons who drive while privileges are suspended or revoked.
5. That all law enforcement personnel use sound discretion and judgment in deciding when to apprehend, issue traffic tickets, or warn the offender.
6. That all persons endeavor to reduce property loss and personal injury resulting from motor vehicle accidents and eliminate traffic violations thereby making the operation of motor vehicles aboard the Combat Center safer and less costly for all drivers.

5002. POLICY. It is the policy of the Commanding General to continuously use all means legally at his disposal to bring about the compliance of all persons with this Manual and reference (c). Violators shall be educated and disciplined swiftly and fairly.

#### 5003. THE PROVOST MARSHAL'S OFFICE

1. The Provost Marshal shall supervise and coordinate the enforcement of all traffic regulations and safe driving practices within the limits of MCAGCC, Twentynine Palms, California.

a. Military Policemen are authorized to stop any vehicle being operated at any place on the installation upon competent orders or upon reasonable belief that a criminal or traffic offense has been committed.

b. Military Policemen are the agents through whom the commanding General exercises his traffic management on the Combat Center

c. No person regardless of rank, shall willfully fail or refuse to comply with any lawful order or direction of a Military Policeman with authority to direct, control, or regulate traffic.

2. The Provost Marshal will promptly issue a traffic ticket to any service member who reportedly commits a major violation of this Manual outside of the Combat Center.

a. All officers and staff noncommissioned officers are directed to immediately report to Provost Marshal Office (PMO) any major violations personally observed.

b. All reports should provide as much information as possible, such as the decal number, state license plate number, a description of the vehicle, a description of the driver, and the time and place of the violation.

c. No report will be acted upon unless the reporter identifies oneself and indicates a willingness to testify against the violator.

d. "Major violations" of this Manual will include but not be limited to:

(1) Speeding (paragraph 4109).

(2) Driving under the influence (DUI) (paragraph 6001).

(3) Reckless driving (paragraph 4102).

(4) Failure to wear a seatbelt (paragraph 4212).

(5) Failure to wear a helmet and/or reflective vest while operating a motorcycle (paragraph 4305).

e. All officers and SNCOs are reminded that no service member, regardless of rank, has any law enforcement authority in the civilian community; and they should refrain from any action which could result in a breach of the peace or a criminal offense.

3. Speed measuring devices will be employed in traffic control studies and enforcement programs. Signs may be posted to indicate speed measuring devices are used. The Provost Marshal will ensure that personnel selected as traffic radar operators meet training and certification requirements prescribed by the State of California.

4. Selective enforcement will be used when practical. Selective enforcement deters traffic violations and reduces accidents by the presence or suggested presence of law enforcement personnel at places where violations, congestion, or accidents frequently occur. selective enforcement applies proper enforcement measures to traffic congestion and focuses on selected time periods, conditions, and violations that cause accidents.

5. The Provost Marshal will formally evaluate traffic enforcement at least once a year. He will examine the program to determine if the following elements of the program are effective in reducing traffic accidents and deaths:

a. Selective enforcement measures.

b. Suspension and revocation actions.

c. Chemical breath-testing programs.

5004. SEARCH OF MOTOR VEHICLES. All vehicles are subject to search upon entry or as ordered by the Commanding General to minimize the unauthorized removal of government property from the Combat Center, and to discourage the introduction of narcotics, weapons, and other undesirable material onto the base. Normally excluded from search are vehicles that are part of military formations, organizations, units, convoys, or an exercise under the direct command of a commissioned officer or staff noncommissioned officer.

5005. PROCESSING VIOLATIONS

1. Armed Forces Traffic Tickets may be issued only by Military Policemen and other persons authorized by the Provost marshal.
2. An Armed Forces Traffic Ticket shall be issued upon the violation of any provision of this Manual, reference (c), or other Federal law or regulation. A copy will be furnished to the violator. The original copy will be forwarded to the Combat Center Traffic Court.
3. When issued a citation, civilian employees and dependents will normally be directed to report to the Provost Marshal's Office to be processed to appear before the Combat Center Traffic Court.
4. When issued a citation, active duty personnel will be directed to report to the Provost Marshal's Office to be processed to appear before the Combat Center Traffic Court.
5. Retired personnel and civilians will be directed to report to the Provost Marshal's Office to be processed to appear before the Combat Center Traffic Court. If the violation is severe, it will be reported to the California Highway Patrol or the San Bernardino County Sheriff's Office for adjudication.
6. An Armed Forces Traffic Ticket to appear before the Combat Center Traffic Court when issued by a Military Policeman or a person authorized by the Provost Marshal shall constitute a lawful order, the violation of which could result in disciplinary action.
7. Armed Forces Traffic Tickets and reports of violations pertaining to members of the Armed Forces not permanently stationed at the Combat Center will be forwarded to their commanding officers.
8. Reports of civil arrest for off-Base traffic violations by military personnel or DoD civilian employees will be processed by the Provost Marshal for appropriate administrative action and forwarded to the commanding officer/sponsor of the individual concerned.
9. A copy of all violation reports on military personnel and DoD civilian employees of the government apprehended for intoxicated driving will be sent to the Combat Center Substance Abuse Officer.

MOTOR VEHICLE AND TRAFFIC REGULATIONS

CHAPTER 6

DRIVING UNDER THE INFLUENCE

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# MOTOR VEHICLE AND TRAFFIC REGULATIONS

## CHAPTER 6

### DRIVING UNDER THE INFLUENCE

6001. DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS. Operation of any motor vehicle aboard this installation while under the influence of or while impaired by alcohol or drugs, is specifically forbidden. Such conduct is also a violation of Federal law and reference (c), Section 23152 which applies to all persons who operate motor vehicles aboard the Combat Center, as well as Article 111 of the Uniform Code of Military Justice which applies to all persons subject to the UCMJ. Violation of this Manual constitutes a violation of a lawful general order.

6002. LAWS APPLICABLE. For all administrative action under this Manual, the law of California is applied by this installation and the local courts. Nothing in this Manual is to be interpreted as affecting in any way the application of Military Law in a criminal prosecution under the UCMJ for a violation of Article 92, Article 111, or any other article, nor is this Manual intended to be interpreted in any way as changing or modifying the applicability of other Federal law or reference (c), Section 23152.

#### 6003. DETECTION, APPREHENSION AND TESTING

1. Law enforcement personnel usually detect drivers under the influence of alcohol or drugs by observing unusual or abnormal driving behavior. Drivers showing such behavior will be stopped immediately. The cause of the unusual driving behavior observed will be determined, and proper enforcement action taken

2. When the law enforcement personnel reasonably conclude that the individual driving or in control of the vehicle is impaired, field sobriety tests should be conducted on the individual. DD Form 1920 (Alcohol Influence Report) will be used by the Provost Marshal's Office in examining, interpreting and recording the results of the tests.

6004. ENFORCEMENT ACTIVITIES. Enforcement activities against intoxicated driving will include:

1. Detecting, apprehending and testing persons suspected of driving under the influence of alcohol or drugs.
2. Training law enforcement personnel in special enforcement techniques.
3. Enforcement of blood-alcohol concentration standards.
4. Denying installation driving privileges to persons whose use of alcohol or other drugs prevents them from operating a motor vehicle safely.

#### 6005. VOLUNTARY BREATH AND BODILY FLUID TESTING BASED ON IMPLIED CONSENT

1. The Commanding General has designated the Breathalyzer as the primary instrument by which to determine blood alcohol content.

2. Persons accepting Combat Center driving privileges shall be deemed to have given their consent to evidentiary tests for alcohol or other drug content in the blood, breath and/or urine, when they are lawfully stopped, apprehended, or cited for any offense allegedly committed while driving or in physical control of a motor vehicle

on the Combat Center while under the influence of intoxicants. More than one test may be given; however, before any tests are administered, the person being tested should be informed which tests are required. The proper procedure is to inform the person apprehended of the offense that they are suspected of; that a blood alcohol content test will be given first; and that further tests for other drugs may also be required. The tests may be administered only if the following conditions are met:

a. The person was stopped while driving, operating, or in actual physical control of a motor vehicle on the Combat Center.

b. There was reasonable grounds to believe that the person was driving under the influence of alcohol or drugs.

c. A request was made to the person to consent to the tests combined with a warning that failure to voluntarily submit to or complete a chemical test of bodily fluids or breath will result in the revocation of their driving privileges.

d. All tests must be administered by trained personnel and there must be adherence to the procedures described in this Manual and other applicable regulations relating to voluntary and involuntary testing.

e. If Federal Civil Service employees are suspected of driving under the influence of illegal drugs, they must be tested under the provisions of SECNAVINST 12792.3.

3. Persons who have hemophilia, other blood-clotting disorders, or any medical or surgical disorder being treated with an anticoagulant:

a. May refuse a blood extraction test without penalty.

b. Will not be given a blood extraction test to determine alcohol or other drug concentration or presence under this regulation.

c. May be given breath and/or urine tests.

4. The law enforcement official relying on implied consent will warn the person that driving privileges will be revoked if the person fails to voluntarily submit to or complete a requested chemical test. The person does not have the right to have an attorney present before stating whether he or she will submit to a test or during the actual test. The Commanding General has designated the Breathalyzer as the primary testing instrument. The results of chemical tests conducted under the implied consent provisions of this Manual may be used as evidence in courts-martial, nonjudicial proceedings under Article 15, UCMJ, administrative actions and civilian courts.

5. If a person suspected of intoxicated driving refuses to submit to a chemical test none will be given.

6006. TRAINING OF LAW ENFORCEMENT PERSONNEL IN PROCEDURES FOR HANDLING DRIVERS UNDER THE INFLUENCE OF ALCOHOL OR OTHER DRUGS

1. As a minimum, law enforcement personnel will be trained to do the following:

a. Recognize *signs* of alcohol and other drug impairment in persons operating motor vehicles.

b. Prepare DD Form 1920 (Alcohol Influence report)

c. Perform the field sobriety test techniques.

- d. Determine when a person appears intoxicated but is actually physically or mentally ill and needs prompt medical attention.
  - e. Understand the operation of breath-testing devices.
2. The Provost Marshal will insure that operators of breath-testing devices:
    - a. Are chosen for integrity, maturity and sound judgment.
    - b. Meet certification requirements for the State of California.
  3. Operators must maintain their skill by taking refresher training as required.

6007. TESTING

1. Any Military Policeman having reasonable grounds to believe that a person has been driving or operating a vehicle aboard this installation while under the influence of intoxicating liquor or drugs may, without making any arrest, request that person to submit to a preliminary "roadside" field sobriety test to be administered by law enforcement personnel.
2. A person lawfully apprehended for any offense allegedly committed while driving or in actual physical control of a motor vehicle under the influence of intoxicating liquor may request the apprehending patrolman to have a chemical test made of their blood, breath, or urine for the purpose of determining the alcohol content of their blood, and if so requested, the patrolman shall have one of the above tests performed. A person may also, at their own expense, have a physician, or qualified technician, chemist, registered nurse, or other qualified person (non-military medical personnel) of their own choosing, administer a state approved chemical test or tests, in addition to the test administered at the direction of the Combat Center law enforcement official. The failure or inability to obtain this additional test shall not preclude the use of the results of the test taken at the direction of a law enforcement official to support actions taken under the provisions of this Manual and the UCMJ.
3. If a person under military apprehension willfully consents, upon the request of the apprehending patrolman, to submit to a chemical test, a copy of the test results will be delivered to the person tested. In addition, the person authorized to administer the chemical test shall inform persons apprehended for driving under the influence of intoxicating liquor both verbally and in writing of the following:
  - a. That they have a right to refuse to take the test.
  - b. That refusal to take the test may result in revocation of driving privileges for one year in addition to any other action of the Traffic Court Officer.
  - c. That they do not have the right to have an attorney present before stating whether they will submit to a test.

6008. BLOOD ALCOHOL CONCENTRATION STANDARDS

1. As a uniform basis for revocation of driving privileges and/or taking enforcement action against a driver suspected of driving or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor, the amount of alcohol in that person's blood at the time alleged as shown by chemical analysis of blood, urine, or breath give rise to the following:

a. If there was at that time less than five one-hundredths of one percent (.049% or less) by weight of alcohol in the driver's blood, it shall be inferred that the driver was not under the influence of intoxicating liquor;

b. If there was at that time five one-hundredths of one percent (.05%) but less than eight one-hundredths of one percent (.079% or less) by weight of alcohol in the driver's blood, the driver was driving while impaired by intoxicating liquor; and

c. If there was at that time eight one-hundredths of one percent (.08%) or more by weight of alcohol in the driver's blood, it may be inferred that the driver was driving under the influence on the Combat Center.

2. Drugs. If there is any amount of a controlled substance found in the blood of a driver, along with impairment as proven by the field sobriety tests, it may be inferred that the driver was driving under the influence of a controlled substance.

3. The provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether or not the driver was under the influence of intoxicating liquor.

6009. INCAPABLE OF REFUSAL. Any person who is unconscious or who is otherwise in a condition rendering themselves incapable of refusal shall be deemed not to have withdrawn consent to submit a chemical test and the test may be administered, subject to the provisions of this Chapter.

6010. REFUSAL. If a person suspected of driving under the influence of intoxicating liquor or drugs refuses the request of an apprehending patrolman to submit to a chemical test, none will be given. The apprehending patrolman invoking implied consent will warn the individual that failure to submit to or complete a chemical test will result in the revocation of privileges to operate a motor vehicle aboard the Combat Center for a period of one year in addition to any period of time prescribed by the Traffic Court. If any person refuses the request to submit to, or complete a chemical test, the apprehending military police will complete a sworn statement that reasonable cause existed to believe the person had been driving, or was in actual physical control of a motor vehicle aboard the Combat Center while under the influence of an intoxicating liquor or drug, and that person refused to submit to or failed to complete the test after being requested to do so. Upon receipt of the military policeman's sworn statement, the Combat Center Provost Marshal will temporarily suspend the individual's privileges to operate a motor vehicle aboard the Combat Center until their appearance before the Combat Center Traffic Court.

6011. CHEMICAL TESTS OF PERSONNEL INVOLVED IN FATAL ACCIDENTS

1. Per reference (a), Combat Center Naval Hospital medical authorities will immediately notify the Provost Marshal's Office of:

a. The death of any person which resulted from a traffic accident.

b. The circumstances surrounding the traffic accident, based on information available at the time of admission or receipt of the body of the victim.

2. Per reference (a), Combat Center Naval hospital medical authorities shall examine the bodies of those persons deceased in a motor vehicle accident to include drivers, passengers, pedestrians subject to military jurisdiction and other pedestrians (16 years or younger only with sponsors consent)



3. Tests for the presence and concentration of alcohol and other drugs in the person's blood, bodily fluids, or tissues will be made as soon as possible and where practical within eight hours of death. The test results shall be included in the medical reports.

4. Involuntary Extraction of Bodily Fluids. Per reference (a), nonconsensual extraction's of bodily fluids will normally not be conducted for reasons other than valid medical purposes with the following exceptions. Involuntary bodily fluid extraction is based on valid search and seizure authorization. An individual subject to the UCMJ who does not consent to chemical testing, as described in paragraph 6007 of the manual, may nonetheless be subjected to an involuntary extraction of bodily fluids, including blood, breath and urine, only in accordance with the following procedures:

a. An individual subject to the UCMJ who was driving a motor vehicle involved in an accident resulting in death, personal injury, or serious property damage may be subjected to a nonconsensual bodily fluid extraction test for the presence of intoxicants (alcohol and drugs) only when there is a probable cause to believe that such an individual was driving or in control of a vehicle while under the influence of an intoxicant

b. The Commanding Officer (at least battalion level) of the person to be tested shall be contacted in order to obtain verbal authorization for the nonconsensual extraction. If the commanding officer cannot be reached, the Commanding General shall be called and asked to grant authorization for the nonconsensual extraction.

c. Under such circumstances when there is clear indication that evidence of intoxication will be found and there is reason to believe that the delay necessary to obtain a search authorization would result in a loss or destruction of the evidence sought the Provost Marshal, or his representative, may authorize the nonconsensual extraction.

d. The extraction of blood shall be accomplished by qualified medical personnel.

e. In performing this duty, medical personnel are expected to use only the amount of force that is reasonable and necessary to administer the extraction.

f. Force necessary to overcome an individual's resistance to the extraction will be provided by Military Police if requested by the medical personnel.

g. Life endangering force will not be used in an attempt to effect nonconsensual extractions.

h. All Military Police and medical personnel will keep on mind the possibility that the individual may require medical attention for possible disease or injury.

i. Nonconsensual extraction's of blood will be done in a manner that will not interfere with or delay proper medical attention. Medical personnel will determine the priority to be given involuntary blood extraction's when other medical treatment is required.

#### 6012. INTOXICATED DRIVING, CIVILIAN EMPLOYEES OR DEPENDENTS

1. Marine Corps civilian employees cited or charged with intoxicated driving, on or off the installation, will be referred to the Employee Assistance Program as outlined in CCO 12792.1.

2. Marine dependents cited or charged with intoxicated driving, on or off the installation, will be provided assistance equivalent to that outlined in MCO P5300.12.

3. This referral assistance does not exempt the individual from appropriate administrative or disciplinary action under current Civilian Personnel Regulations, State laws, or preclude other administrative action.

6013. DRIVING PRIVILEGES AND INTOXICATED DRIVING

1. Combat Center driving privileges of any person who refuses to submit to or fails to complete chemical testing for blood-alcohol content when apprehended for intoxicated driving, or convicted of intoxicated driving, will not be reinstated unless the person successfully completes an alcohol education and treatment program sponsored by the Combat Center, the State of California, or private program evaluated as acceptable by the Combat Center Traffic Court.

2. On-base driving privileges will not be reinstated for Navy personnel convicted of driving under the influence, on or off-base, unless the person completes the full 36 hours Navy Alcohol and Drug Safety Action Program (NADSAP). The condensed NADSAP Supervisor Course shall not be utilized for this purpose.

6014. ALCOHOLICS, PROBLEM DRINKERS AND DRUG ABUSERS

1. Commanders will refer military personnel suspected of drug or alcohol abuse for evaluation in the following circumstances:

a. Behavior is indicative of alcohol or drug abuse.

b. Continuing inability to drive a motor vehicle safely because of alcohol or drug abuse.

2. Active duty Navy/Marine personnel apprehended for drunk driving, on or off the base, will be screened by their respective Combined Drug and Alcohol Counseling Center (CDACC)/NADSAP facility within seven working days to determine if the individual is dependent on alcohol or other drugs. Active duty Marines apprehended for intoxicated driving, on or off the base, will be referred for an interview by a Level II substance abuse counselor within seven working days for evaluation and determination of the appropriate level of treatment required. The appropriate level treatment program will be determined as outlined in MCO P5300.12.

3. Results of any evaluation/screening will be made available to the commander having jurisdiction over the case prior to adjudication.

4. The Combat Center may develop preventive treatment and rehabilitative programs for civilian employees as identified in 42 USC, Section 290 DD-1 and OCPM Instruction 12792 (CP 1792).

6015. ALCOHOL AND DRUG EDUCATION PROGRAM

1. Individuals who have exhibited behavior patterns indicative of alcohol and drug abuse, to the extent it renders them incapable of safely driving a motor vehicle, will be reported to the individual's unit for appropriate action under this regulation. Persons convicted of or who have had administrative action taken against them for intoxicated driving will be referred by their SACO to the CDACC. The program should assist in identifying alcohol and drug abusers and reduce intoxicated driving and associated traffic accidents.

2. The program will include drug and alcohol education that focuses on intoxicated driving (see MCO P5300.12) . Education will be provided for personnel performing the following types of duties:

- a. Law enforcement.
- b. Public affairs.
- c. Medical emergency room.
- d. Safety.
- e. Club manager.
- f. Bartender.
- g. Serving alcoholic beverages.
- h. Selling Class VI (all alcoholic beverages) items.

3. Personnel performing the duties listed in (e) through (h) above will also be given annual refresher training.

4. Leadership training at all levels will include specific information on the current policy regarding intoxicated driving.

- a. Training provided to officers and noncommissioned officers.
- b. Combat Center officers and exchange officer indoctrination.
- c. Training for legal and judicial officer.

6016. Notification of States Driver's License Agencies.

1. Per MCO 5110.1C, the installation commander will notify the States driver's license agency of those personnel whose installation driving privileges are revoked for 1 year or more, following final adjudication of the intoxicated driving offense or for refusing to submit to a lawful blood-alcohol content test per the instructions contained in this Manual. This notification will include the basis for the suspension and the blood-alcohol level. The notification will be sent to the State in which the driver's license was issued.

2. When the State's driver's licensing agency receives the final adjudication letter of the individual's traffic court results, the driver's licensing agency may notify the individual by whatever means stating whether or not they will take civil action against his or her State driving privileges.

6017. State of California's Guilty Plea to a Lesser Charge on DUI Cases.

1. Briefly stated, in the state of California, an individual may accept a plea of guilty or nob contendere to a charge of a violation of Section 23103 CVC in satisfaction of, or as a substitute for, an original charge of a violation 23152, and the prosecution shall state for the record if there has been any consumption or ingestion of alcohol/drugs or both in connection with the case. If there was consumption or ingestion of alcohol/drugs or both the courts will notify the Department of Motor Vehicles of each conviction which shall be prior offense for the purpose of DUI offenses.

2. If an individual accepts the plea bargain and there was alcohol/drugs or both consumed, then the installation driving privileges of that individual will be suspended or revoked per the instructions in this Manual.

3. To further clarify the states plea bargain law and how it affects base driving privileges, is as follows:

a. If you were originally convicted of DUI and it was reduced to 23103.5 CVC, Guilty Plea to a Lesser Charge (Wet Reckless) offense, it means you were involved in an alcohol related reckless driving incident and:

(1) Your base driving privileges will be suspended/revoked.

(2) You will be required to attend NADSP and Remedial Driving.

(b) Whether or not the charge was reduced by civil court, does not negate the fact that alcohol/drugs or both may have been consumed or that a BAC may have been determined at the time of the incident.

(c) If you refused to take a BAC test, you will be suspended or revoked per the instructions in this Manual.

(d) If a BAC was determined in your civil court case, then your base driving privileges will be suspended/revoked, regardless of the plea bargain agreement, unless you can show official court documents proving that the case was dismissed, meaning the State of California failed to prove that you were suspected of DUI/DWI. If the civil DUI/DWI case is dismissed, your driving privileges will not be suspended/revoked under those circumstances.

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CHAPTER 7

COMBAT CENTER TRAFFIC COURT

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# MOTOR VEHICLE AND TRAFFIC REGULATIONS

## CHAPTER 7

### COMBAT CENTER TRAFFIC COURT

#### 7001. MISSION

1. The Combat Center Traffic Court is the agency through which the Commanding General takes administrative action in the case of traffic violations.
2. The Traffic Court will function under the staff cognizance of the Staff Judge Advocate, who will appoint Traffic Hearing Officers by direction of the Commanding General. No member of the military police will be assigned as a traffic hearing officer. The Traffic Court will convene as scheduled.
3. The court shall determine whether or not, and the extent to which, an alleged violation warrants administrative action. It may consider any acts or conduct, wherever they may occur, of any service member before the court. Such acts or conduct must reasonably relate to the safe operation of a motor vehicle. As for all remaining persons other than service members, the court may only consider acts or conduct that occur on-base.
4. The Traffic Hearing Officer is authorized to award permissible administrative action against any individual directed to appear before him except that the Hearing Officer shall be senior in grade to any military person whose case is heard. The Deputy Staff Judge Advocate, MCAGCC will act as Traffic Hearing Officer in the case of company grade officers and enlisted members of pay grade E-9. The MCAGCC, Chief of Staff will hear all cases involving field grade officers and civilian employees of grade GS-12 or higher.
5. Each case shall be fully and fairly heard. Individuals appearing before the court will be given the opportunity to present evidence and make statements as may be relevant to the case.
6. The court is not authorized to suspend or revoke a U.S. Government Motor Vehicle Operator's Card. Such action is the responsibility of the commanding officers or supervisors.

7002. APPEARANCE BEFORE THE COMBAT CENTER TRAFFIC COURT. A copy of the Armed Forces Traffic Ticket will be furnished to the violator at the time of the citation. The ticket contains instructions to report to the Traffic Court at a prescribed time in reference to the cited violation. The violator acknowledges this requirement to appear by placing their signature on the ticket

#### 1. Active Duty Personnel

- a. Active duty personnel are directed, by instructions on the reverse side of the traffic ticket, to inform their commanding officer of the violation.
- b. Commanding officers are responsible to ensure violators appear before the Traffic Court at the time and date prescribed. If it is determined that the individual cannot appear on the scheduled date, it is the responsibility of the commanding officer to reschedule the appearance.

#### 2. Civilian Employees and Dependents

- a. Civilian employees are directed by the instruction on the reverse of the traffic ticket to inform their supervisor of the violation. It is the responsibility of the forts line supervisor to ensure the violator appears before

the Traffic Court at the time and date prescribed. If it is determined the violator cannot appear as scheduled, the first line supervisor is required to reschedule the appearance.

b. Dependents are directed by the instructions on the reverse side of the traffic ticket to inform their sponsor of the violation. It is the responsibility of the sponsor to ensure the violator appears before the Traffic Court at the time and date prescribed. If the violator cannot appear as scheduled, the sponsor is required to reschedule the appearance. All juveniles under age 19 cited for traffic violation will be accompanied at their appearance before the Traffic Court by their sponsor or parent.

7003. HEARINGS. The Traffic Court is conducted at the Headquarters Battalion Classroom in Bldg# 1459, but may be conducted at other locations as situations dictate.

1. Persons appearing before the Traffic Court should have in their possession an appropriate identification card and any documentation or evidence (to include the appearance of witnesses), as appropriate, which will assist the court in properly adjudicating the alleged violation.
2. Military personnel would appear in the uniform of the day. Civilian personnel will appear in appropriate attire.
3. Personnel receiving a ticket for a minor offense (one listed as no more than four points in Appendix A) not involving an accident may, if it is their first or second offense at the Combat Center, plead guilty and accept a voluntary assessment of traffic points and a warning. This is accomplished at the PMO Administration Section of Bldg# 1408 during the reporting process after receiving a traffic ticket. This action is recorded as a conviction on the driving record of the individual. All personnel desiring to plead not guilty must appear before the Traffic Court.
4. Each case shall be fully and fairly heard. Individuals appearing before the court will be given the opportunity to present evidence, including witnesses and make statements as may be relevant to their case. The Procedural Guide for Traffic Hearings is located in Appendix C.
5. Individuals appearing before the court will be advised of the administrative action taken and the consequences of that action, using the Traffic hearing Action Format located in Appendix D.

7004. DRUG COUNTERMEASURES. The Traffic Court is authorized to suspend or revoke, as appropriate, the Combat Center driving privileges of individuals who have been convicted of the unauthorized possession, sale, transfigure, use or introduction onto a military reservation of narcotics, marijuana or dangerous drugs. Such action will be taken only on the written request of the commanding officer/supervisor of the individual. Proof of such acts may be shown by evidence of a civil or military criminal conviction or imposition of individual punishment. results of random urinalysis test showing use of an illegal drug by the individual will support revocation whether or not disciplinary action is taken. Revocation will be taken only on the written request of the commanding officer/supervisor of the individual or of the Commanding General. Commanding officers requesting revocation of an individual's driving privileges for drug abuse will so notify the individual concerned in writing, setting forth the basis for the proposed action. By return endorsement, the individual concerned will acknowledge receipt of the notice and request/waive a hearing. The format for the letter of notification is located in Appendix E. The letter of notification and the endorsement will then be forwarded to the Traffic Hearing Officer for action with documentation of illegal drug abuse.

7005. SERIOUS CRIME CONVICTIONS. The Combat Center Traffic Court is authorized to suspend or revoke, as appropriate, the Combat Center driving privileges of individuals who have been convicted of any offense, punishable under the UCMJ by death or confinement in excess of one year, where a motor vehicle was instrumental in the commission of that offense. Reports of civil arrest and convictions for off base violations of civil law by military personnel will normally be processed by the Provost Marshal and forwarded to the individual's commanding officer. The commanding officer will forward appropriate cases to the Traffic Court. Revocation/suspension action will be taken only on the written request of the commanding officer/supervisor of the individual.

7006. SUSPENSION AND REVOCATION

1. The privilege of driving privately owned motor vehicles on the military installations is subject to either administrative suspension or revocation for cause by the Commanding General or his designated representative, the Traffic Hearing Officer. The revocation of driving and registration privileges is authorized for military personnel, family members, civilian employees of DoD, and other individuals with Combat Center driving privileges. The suspension or revocation of either base driving privileges, or POV registrations, for lawful reason unrelated to traffic violations or safe vehicle operations, is not limited or restricted by this Manual. The Commanding General has the authority to temporarily withdraw the OF-346 for lawful reasons such as traffic violations, or revocation or suspension of driving privileges. When civil authorities suspend or revoke an individual's driving privileges, that individual's driving privileges aboard the Combat Center will automatically be terminated. The Traffic Court will take the following administrative action, suspend or revoke and assess points:

a. The minimum action will be the same as if the violation had occurred on the Combat Center.

b. The reinstatement of base driving privileges is authorized only when the individual provides proof that their driving privileges have been restored by the jurisdiction that suspended/revoked them, action has been completed by the state that issued their driving license (if not the same jurisdiction in which the offense occurred) and all conditions imposed by the Combat Center Traffic Court have been met.

c. A copy of all violation reports on military personnel and DoD civilian employees of the Government apprehended for intoxicated driving will be sent to the Combat Center Substance Abuse Office.

2. The Traffic Court is the only agency authorized by the Commanding General to suspend or revoke the privilege of operating a motor vehicle on the base. The Provost Marshal will temporarily suspend privileges of drivers suspected of driving under the influence (.08~. or above), and those who refuse to submit to a chemical analysis of their breath, blood, or urine. Suspension shall be effective until the drivers appear before the Traffic Court.

3. Any military person who has been convicted of driving while on revocation or suspension will have a letter submitted to their commanding officer from the Traffic Court referring them for action in violation of this Manual.

7007. SUSPENSION

1. The suspension of an individual's driving privileges is normally applied when other measures such as counseling, remedial driver training, or other rehabilitation programs have failed to produce the desired driver performance. Driving privileges may be suspended for a period not to exceed six months whenever an individual



consistently (as determined by the Traffic Court) violates this Manual. Suspension automatically terminates vehicle registration. Individuals must apply for re-registration after the expiration of the specified suspension period, if the suspension period is 91 days or longer.

2. The Commanding General has discretionary power to withdraw the authorization of active military personnel, DoD civilian employees, and nonappropriated fund employees to operate U.S. Government vehicles on board the Combat Center.

3. Immediate temporary suspension of base POV driving privileges pending resolution of an intoxicated driving incident is required for active duty military personnel, family members, retired members of the military services, DoD civilian personnel, and others who regularly operate a motor vehicle upon the Combat Center and have base driving privileges regardless of the geographic location of the incident. Suspension is required for civilian visitors only with respect to incidents occurring on the base or in areas subject to military traffic supervision. After a review of available evidence, personnel will immediately have their base driving privileges suspended pending resolution of the intoxicated driving incident in the following circumstances:

a. Refusal to take or complete a lawfully requested chemical test to determine contents of blood for alcohol or other drugs by law enforcement personnel.

b. Operating a motor vehicle with a BAC of .08 percent volume or higher on the base or in violation of the law of the state in which the offense took place.

c. Upon an arrest report or other official documentation of the circumstances concerning intoxicated driving

#### 7008. REVOCATION

1. Revocation of base driving privileges is a severe administrative measure to be exercised for serious moving violations, or when other available corrective actions fail to produce the desired driver improvement. Revocation of driving privileges will be for a specified period, but never less than six months. Revocation automatically terminates vehicle registration; individuals must apply for reregistration after the expiration of the specified revocation period. Revocation and suspension of the driving privileges applies at all military installations and remains in effect upon reassignment.

2. Driving privileges are subject to revocation when an individual fails to comply with any of the conditions required to grant the privilege.

3. Driving privileges will be revoked for a mandatory period of not less than one year in the following circumstances:

a. When the Commanding General or Combat Center Traffic Court finds that the person lawfully apprehended for intoxicated driving refused to submit to or complete a test to measure the alcohol content in the blood, or detect the presence of any other drug, as required by California State law, this Manual and other appropriate directives.

b. When there has been a conviction, imposition or nonjudicial punishment, or a civilian administrative action resulting in the suspension or revocation of a driver's license for intoxicated driving. Appropriate official documentation of the conviction is required as the basis for revocation.

4. When temporary suspensions are followed by revocations, the period of revocation is computed beginning from the date the original suspension was imposed, exclusive of any period during which full driving privileges may have been restored pending

resolution of charges. (Example: Privileges were initially suspended on 1 January 1991 for a charge of intoxicated driving with a blood alcohol content of 0.14 percent. A hearing was held, extreme family hardship was substantiated, and privileges were restored on 1 February 1991, pending resolution of the charge. On 1 March there was conviction for intoxicated driving. The mandatory one-year revocation period will consist of January 1991 plus March 1991 through January 1992, for a total of twelve months with no installation driving privileges.)

5. Driving in violation of a suspension or revocation imposed under this Manual is prohibited and will result in the original period of suspension or revocation being increased by two years. In addition, administrative, disciplinary or command action may also be initiated for operating a motor vehicle while driving privileges are revoked/suspended or for the commission of any traffic, criminal, or military offense (for example, active duty military personnel driving on the base in violation of an order not to do so.)

#### 7009. RESTRICTED PRIVILEGES

1. If the Traffic Hearing Officer, when imposing a suspension or revocation of one 5 driving privileges, based only on point accumulation, determines that an adverse military mission impact may result, he may authorize restricted driving privileges for driving to and from employment. Should a severe family hardship be involved, the privilege of operating the family vehicle to and from facilities such as the hospital and commissary may be substituted or added. Individuals detected in violation of the restricted driving privileges are subject to revocation and/or disciplinary action.

2. In lieu of a suspension that may be imposed, a driver may be placed on probation. During the probationary period, the driver will be permitted to continue driving. If the driver becomes involved in a chargeable accident or moving traffic violation, the driver could have probation vacated. The vacation of probation will be determined by a Traffic Court Hearing Officer who must evaluate the new charges.

3. Aside from any other provisions of this Manual, the Commanding General or designee may grant restricted driving privileges or probation on a case-by-case basis to accommodate any of the following reasons, provided the person's state driver's license remains valid:

a. Mission requirements.

b. Unusual personal or family hardships.

c. Delays exceeding 90 days, not attributable to person concerned, in formal disposition of an apprehension or charges that are basis for any type of suspension or revocation.

d. When there is no reasonably available alternate means of transportation to officially assigned duties, a limited exception can be granted for the sole purpose of driving directly to and from the place of duty. Probation or restricted driving privileges will not be given to any person whose driver's license is under suspension or revocation by the state licensing authority.

4. The limitations on a restricted driving privilege (for example, an authorization to drive to and from place of employment or duty, and/or selected installation facilities such as hospital, commissary, etc., within specified times) will be specified in writing and provided to the individual concerned. Persons found to be in violation of the restricted privilege are subject to revocation. The Traffic Court may withdraw the limited driving privilege and continue the suspension or revocation period per the original determination for cause (for example, driver at fault in a traffic accident, or cited for a moving traffic violation)

5. The conditions and terms of probation will be specified in writing and provided to the individual concerned. The original suspension or revocation term in its entirety may be activated to commence from the date of the violation of probation. In addition, separate action may be initiated based on the commission of any traffic, criminal, or military offense which constituted a probation violation. The Traffic Court Hearing Officer will evaluate all information and charges and make a determination during the Traffic Court Hearing.

6. DoD employees of the base who can demonstrate the suspension or revocation of installation driving privileges would constructively remove them from employment may, in appropriate cases, be given limited suspension/revocation that restricts driving on the base to the most direct route to and from their respective worksites. This is not to be construed as limiting suspension/revocation of on-duty driving privileges or seizure of OF-346, even if this action would constructively remove a person from employment where routine on-duty driving is required.

7010. ADMINISTRATIVE ACTION - DUE PROCESS

1. Suspension or revocation action will not take place unless the affected individual is offered a hearing except as contained in paragraphs 7006, 7007 and 7008. Under normal circumstances there should be at least a full day from the date the affected individual is notified and the date of the hearing. If an individual is unable to appear on the scheduled date, it will be that person's responsibility to notify his commanding officer or supervisor.

a. Twice failing to appear as scheduled will result in revocation of driving privileges.

b. Hearings conducted on revocation actions under implied consent will cover only the issues whether:

(1) The law enforcement official had reasonable grounds to believe the person had been driving, or was in actual physical control of a motor vehicle within the jurisdiction limits of the base while under the influence of intoxicating liquor.

(2) The person was apprehended for driving under the influence, refused to submit to, or failed to complete the test as requested by the law enforcement official; and,

(3) The person had been told that their driving privileges would be revoked if they refused to submit to or failed to complete the test. (This does not apply to persons who are incapable of refusing.)

2. For drunk driving or driving while intoxicated offenses, reliable evidence readily available will be presented to the Provost Marshal for review and authorization for immediate suspension or base driving privileges. This should be accomplished prior to releasing the driver when possible.

a. Reliable evidence includes material such as witness statement, military or civilian police report of apprehension, chemical test results if completed, refusal to consent or complete chemical testing, statement by the driver, field sobriety test results, or other pertinent evidence.

b. When detailed and reliable evidence is not available, immediate suspension should not be based on published lists of arrested persons, statements by parties not witnessing the apprehension, or telephone conversation or other information not supported by documented and reliable evidence.

c. For active duty military personnel the notice of immediate temporary suspension will be delivered to them at the time of their release, via the Provost Marshal and notification made to the command representative taking custody of the individual.

d. For civilian employees the notice will be presented to them by the Provost Marshal.

e. For dependents and civilians not employed aboard the Combat Center the notice will be delivered to them at the time of release in the presence of their sponsor.

3. Notices of temporary suspension for intoxicated driving shall follow the format in Appendix F and will include the following:

a. The fact that suspension can be made a revocation under paragraph 7008.

b. The right to request, in writing, a hearing before the Combat Center Traffic Court within 10 days to determine if base driving privileges will be restored pending resolution of the charge; and that the request must be made within five working days of the notice of suspension.

c. The right of military personnel to be represented by a personal representative at their own expense and to present evidence and witnesses at their own expense.

d. The right of civilian employees to have a personal representative present at the administrative hearing in accordance with applicable laws and regulations.

e. Written acknowledgment of receipt to be signed by the individual whose privileges are to be suspended/revoked.

4. For offenses other than intoxicated driving, suspension or revocation of the base driving privilege will not become effective until the next scheduled hearing at the Traffic Court. However, if the affected person requests that the hearing be continued to a date beyond the next scheduled hearing, the suspension or revocation will become effective immediately upon receipt of notice that request for continuance has been granted. If determined as the result of a hearing, the suspension or revocation will become effective immediately upon receipt of the notification.

5. The revocation is mandatory upon conviction or other findings that confirm the charge of intoxicated driving. Pleas of nob contendere are considered equivalent to guilty pleas. Revocations are effective as of the date of conviction or other findings that confirm the charges. The notice that revocation is automatic may be placed in the suspension letter. If notice does not appear in the suspension letter a separate letter must be sent, and revocation is not effective until receipt of the written notice. Revocations cancel any full or restricted driving privileges. Requests for restoration of full driving privileges are not authorized.

6. Upon adjudication of intoxicated driving charges by the cognizant military or civilian criminal or equivalent military or civilian nonjudicial or administrative proceeding resulting in a finding of not guilty, temporary suspension of driving privileges shall remain in effect pending action of the Traffic Court.

a. Exception: If the available evidence does not include a BAC test, or if the basis of the finding of not guilty was a determination that the BAC test conducted was invalid, the suspension shall be vacated, unless other competent evidence of intoxicated driving is available.

b. If the suspension remains in effect pending action by the Traffic Court, the driver shall be notified per paragraph 7010(3) above to appear at the next scheduled hearing of the Traffic Court.

7. Intoxicated driving cases should be heard at the earliest possible scheduled hearing of the Traffic Court. The Traffic Court will consider all available competent evidence. The Traffic Court will be guided by the inferences contained in Chapter 6 with respect to BAC tests. The Traffic Court shall impose sanctions under Appendix A upon a finding by a preponderance of the evidence that:

a. The driver was engaged in intoxicated driving; or,

b. The driver withdrew consent for a BAC test, having been notified of the consequences of such a withdrawal; or,

c. The driver was driving or in physical control of a motor vehicle while a temporary suspension was in effect.

8. If it is determined as the result of a hearing that the individual is in violation as alleged, the action of the Traffic Court will become effective immediately. Upon the finding of a violation, the points indicated in Appendix A will, without exception, be assigned.

a. Whenever a suspension period is remitted for a period of probation, and the violator is cited during probation for a moving violation, the individual will receive the sentence for the current offense as well as for the original suspension period that was probated.

b. In addition to any other action, the court may require satisfactory completion of the Remedial Driver Training Course before restoration of driving privileges.

9. Right of Appeal. Any person whose base driving privileges have been suspended or revoked has the right to appeal. The Traffic Court will inform the individual their appeal rights. Appeals will be forwarded via the chain of command to the Commanding General (Attn: Staff Judge Advocate). Appeals of civilians, retired personnel, and dependents should be addressed to the Commanding General (Attn: Staff Judge Advocate). Appeals must be initiated within ten working days from the date the individual appeared before the Traffic Court.  
of

10. Reinstatement. The Commanding General has given, by direction, authority to the Staff Judge Advocate to determine reinstatement of driving privileges to applicable personnel. A request for reinstatement of base driving privileges will be submitted to the Commanding General (Attn: Staff Judge Advocate) using the form located at Appendix G and available at the Office of the Staff Judge Advocate. The request will contain a positive statement that the requester has a valid state driver's license and has satisfactorily completed a prescribed Remedial Drivers Course. In addition to the foregoing requirements, individuals who have been convicted of driving under the influence, or driving under the influence of intoxicating drugs, must also include in their request a statement that they have satisfactorily completed the Alcohol/Drug Safety Action Program (ADSAP) or the Navy Alcohol, Drug, Substance Abuse Program (NADSAP). The request for reinstatement may not be submitted prior to completion of one-half of the revocation time.

#### 7011. ALCOHOL/DRUG SAFETY ACTION PROGRAM

1. An individual convicted for the first time of driving under the influence of an intoxicating drug or alcohol, not involving a motor vehicle accident, is encouraged

to participate in the Alcohol/Drug Safety Action Program or Navy Alcohol, Drug, Substance Abuse Program.

2. DUI offenders will appear before the Traffic Court and will be awarded a one year revocation of driving privileges on the base. At this appearance, the Traffic Court will brief the offender on the ADSAP/NADSAP as follows:

a. If the individual completes the ADSAP/NADSAP satisfactorily, the individual may request reinstatement of driving privileges as stated above.

b. Enrollment in the ADSAP/NADSAP is completely voluntary and the cost must be born by the individual.

c. Failure to complete the ADSAP/NADSAP for any reason will prohibit the offender from reapplying for driving privileges and the revocation of driving privileges will remain in effect.

d. DUI offenders who desire to participate in the NADSAP will be referred to the Combat Center Substance Alcohol and Drug Abuse Officer for details concerning enrollment.

#### 7012. REMEDIAL DRIVER TRAINING

1. The Combat Center Safety Officer is responsible for conducting Remedial Driver Training.

2. Classes will be conducted during off-duty hours and attendance will be as follows:

a. Mandatory for personnel who have received their second traffic ticket for a moving violation, and those who have been awarded a suspension or revocation of driving privileges.

b. All other cases will be left to the discretion of the commanding officer/Traffic Court.

3. Combat Center Safety Officer. The Combat Center Safety Officer will administer the Driver Improvement Training Program and Remedial Driver Training Program.

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CHAPTER 8

THE TRAFFIC POINT SYSTEM

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## MOTOR VEHICLE AND TRAFFIC REGULATIONS

### CHAPTER 8

#### THE TRAFFIC POINT SYSTEM

8001. THE TRAFFIC POINT SYSTEM. This system provides an impartial and uniform administrative device for evaluating driver performance. The use of the system is not to be constructed as a disciplinary measure or substitute for punitive action and it is not intended to interfere in any way with the Commanding General's prerogative to suspend, revoke, or deny driving privileges for cause.

1. The point system is mandatory and is not subject to modification or alteration.
2. The point system applies to military and civilian personnel operating government vehicles on or off the Combat Center; to military personnel operating privately owned vehicles on or off the Combat Center; and to dependents, civilian employees, and all other individuals subject to this Manual operating privately owned vehicles on the Combat Center
3. The point system will be applied as indicated in Appendix A.
4. When two or more violations are committed on a single occasion, assessment of points will be for the one offense having the greater value. However, if a violator commits a series of unrelated offenses, which happen to be written on a single citation, the Traffic Court Judge, may, at his discretion, award points for each unrelated offense.
5. Points will be assessed by the Traffic Court when the person is found to have committed a violation and the finding is based on evidence supplied by either the unit commander, civilian supervisor, a military or civilian court, or upon payment of fine, forfeiture of pay, allowances, posted bond, or collateral.

#### 8002. ACTION TAKEN

1. On receipt of DD Form 1408 or other military law enforcement report of a moving violation, the Traffic Court will conduct an inquiry. The court will take or recommend proper disciplinary or administrative action. If a case involves judicial or nonjudicial actions, the final report of action taken will not be sent until final adjudication
2. On receipt of the report of action taken, the Provost Marshal will enter the number of points assessed, or record the suspension or revocation of the driving privilege on the person's driving record. Points will not be assessed or driving privileges suspended or revoked when the report of action taken indicates that neither disciplinary nor administrative action was taken.
3. When a report of a guilty finding is received from any civilian jurisdiction or other military installation pertaining to personnel assigned to or employed by the Combat Center, or whose sponsor is assigned to the Combat Center, and the offense would carry a mandatory suspension/revocation if it were to have occurred aboard the Combat Center, then the violator will appear before the base Traffic Court and the offense will be treated as though it had occurred on the base.

8003. DRIVER IMPROVEMENT MEASURES. The Traffic Court may require the following driver improvement measures as appropriate:



1. Commander counseling or driver improvement interview of any person who has acquired more than six, but less than 12 traffic points within a six month period. This counseling or interview should produce recommendations to improve driver performance.
2. Referral for medical evaluation when a driver, based on reasonable belief, has mental or physical limits that have had or may have an adverse affect on driving performance.
3. Attendance at remedial driver training to improve driving performance.
4. Referral to an alcohol/drug treatment or rehabilitation facility for evaluation, counseling, or treatment services. This is required for active duty military personnel in all cases in which alcohol or other drugs are a contributing factor to a traffic ticket, incident, or accident.
5. Individual's driving privileges may be revoked as otherwise provided in this Manual whether or not these improvement measures were taken.

8004. SUSPENSION OR REVOCATION BASED ON POINTS. The Traffic Court shall revoke driving privileges for accumulation of 12 or more traffic points within 12 consecutive months or 18 points within 24 consecutive months. Any person subject to this sanction shall appear before the Traffic Court. The provisions of paragraph based on traffic points must be no less than six months. A longer period may be imposed on the basis of the person's overall driving record and considering the frequency, flagrancy, severity of moving violations, and response to previous driver improvement measures. In all cases resulting in a suspension or revocation for a period of 91 days or more military members must successfully complete a prescribed course in remedial driver training before their driving privileges are reinstated.

8005. REMOVAL OF POINTS. Points assessed against a person will remain in effect, for point accumulation purposes for a period of 24 consecutive months. The review of driving records to delete traffic points should be done routinely during records update while recording new offenses and forwarding records to new duty stations. The end of a revocation based on points requires removal from the driving record of all point assessed before the revocation.

8006. DRIVING RECORDS. Removal of points does not authorize removal of driving record entries for moving violations, sharable accidents, suspension, or revocations. Driving record entries will remain posted on individual driving records as indicated below:

1. Chargeable non fatal accidents or moving violations - 3 years
2. Non mandatory suspensions or revocations - 5 years.
3. Mandatory revocations - 7 years.

8007. TRANSFERRING DRIVER RECORDS. Unit commanders are required to notify the Provost Marshal when a person assigned to or employed on the installation is being transferred to another installation, being released from military service, or ending employment. When an individual being transferred to a new installation has accumulated point assessments or has other valid entries on their driving record, the driving record will be forwarded to the Provost Marshal's Office of the gaining installation. Dependent driving records containing traffic point assessments or other entries will also be forwarded to the sponsor's gaining installation.

installation. Dependent driving records containing traffic point assessments or other entries will also be forwarded to the sponsor's gaining installation.

8008. THIRD PARTY TRAFFIC CITATIONS

1. Third party citations will be written at the request of SNCO's and Officer's only.

a. The Services Officer/Chief may authorize third party citations at the request of civilian employees, dependent wives/husbands or sergeants and below only on a case by case basis.

b. If the individual who requests the third party citation fails to appear in traffic court, the case will be dismissed.

2. Third party citations will be written for "major violations only." Examples are:

a. Speeding.

b. Inattention to driving.

c. Reckless driving.

d. Failure to wear protective clothing or safety equipment on motorcycle.

e. Littering

3. The validity and provability of the alleged offense shall be evaluated by the Military Policemen receiving the report. If the MP determines that the offense is not valid or is not provable in traffic court the third party citation will not be written. If the accuser wishes to contest the MP's decision not to accept the report, he/she will be directed to the Services Officer/Chief.

4. Third party citations will not be authorized for use by individuals involved in personal arguments/conflicts attempting to gain revenge upon another individual."

MOTOR VEHICLE AND TRAFFIC REGULATIONS

CHAPTER 9

MOTOR VEHICLE ACCIDENTS

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# MOTOR VEHICLE AND TRAFFIC REGULATIONS

## CHAPTER 9

### MOTOR VEHICLE ACCIDENTS

#### 9001. RESPONSIBILITIES OF OPERATORS

1. Drivers of vehicles involved in an accident or collision resulting in injury or death to any person shall immediately stop and give their name, rank (if applicable), Combat Center DoD decal number, address, operator's or chauffeur's license number, and the license number of their vehicle to the person struck or the driver or occupants of any vehicle involved. The driver shall also render to any person injured in the accident or collision reasonable assistance, including transportation or transportation arrangements of injured persons to the Naval Hospital for medical treatment, if medical treatment is apparent or necessary or is requested by the injured person. Any motor vehicle accident involving death or injuries will be reported to the Military Police Desk Sergeant as soon as possible. Otherwise, vehicles directly involved in an accident should not be moved unless it is necessary e.g., to transport injured persons, or to move off a broken gas line.
2. Motor vehicles involved in a traffic accident while traveling within a congested roadway will not move the vehicle or vehicles from the point of final rest and will remain at the scene until the accident investigator arrives, unless military police personnel order the vehicles moved.
3. Drivers of vehicles involved in an accident or collision resulting in damage to property and in which there is no injury or death shall immediately stop their vehicle at the scene of the accident or collision. They shall give their name, rank (if applicable), decal number, address, operator's or chauffeur's license number, and the license number of the vehicle to the driver or occupants of any other vehicle involved in the accident or collision. Drivers will immediately notify the Provost Marshal's Office.
4. Drivers of vehicles involved in an accident or collision with an unattended vehicle resulting in damage to property will immediately stop and attempt to locate and notify the operator or owner of the unattended vehicle. If the operator or owner can be located, they shall be given the information required; in any event the information shall be reported immediately to the Provost Marshal's Office and a note will be left on the windshield providing the information required.
5. Drivers of vehicles involved in an accident resulting only in damage to fixtures or other property legally upon or adjacent to a road, or in death or injury to an animal, shall notify the Combat Center Provost Marshal of the accident as soon as possible.
6. In every accident or collision occurring on the Combat Center involving a government-owned/leased vehicle or government property, the driver of the vehicle involved shall immediately notify the Provost Marshal's Office by the quickest means of communication available as to the circumstances, location, number and extent of injuries, and other information that will assist military police, accident investigators, and ambulances in reaching the scene. The driver(s) shall remain at the scene of the accident or collision until the arrival of the military police, except to render assistance to injured persons or to notify the Provost Marshal's Office of the accident. Vehicles involved in any such accident or collision should not be moved from their final resting position except as directed by the accident investigator or in the interest of safety to persons or property.
7. All vehicle accidents which involve privately owned vehicles, private property, no matter how slight, will remain at the scene after reporting the accident to the proper authority.

8. Any person who leaves a vehicle parked, unattended or attended, and it becomes a runaway vehicle resulting in property damage or injury shall comply with the requirements of reporting a traffic accident and will remain on the scene until proper authority arrives.

9. If both drivers agree on a mutual settlement on private property damage or vehicles prior to the arrival of the accident investigator, they will not receive an official accident report for insurance purposes or any other existing condition.

#### 9002. TRAFFIC ACCIDENT INVESTIGATION PROCEDURES

1. The Provost Marshal's Traffic Investigation Department on board the Combat Center will conduct an appropriate investigation of all traffic accidents involving injuries, government or privately owned vehicles and/or property.

2. Accidents occurring off the base that involve military personnel and their dependents will be investigated only if the local law enforcement authorities request military police assistance. A report from the off-base authorities will be retained by the Provost Marshal's Office for future use. Notification will be made on accidents which involve injuries to personnel assigned to organizations or government property. In all other accidents, it is the responsibility of the driver to notify the commanding officer and/or insurance company.

3. All fatal injury traffic accidents which occur on or off the Combat Center will have an intense investigation. An accident report will be given to the appointed investigating officer of the responsible command from the Provost Marshal's Office.

4. Any investigation conducted by the Provost Marshal's Office shall not relieve the commanding officer of the duty to appoint fact finding bodies in appropriate cases as required in the manual of the Judge Advocate General and other directives. The Provost Marshal's Office must make detailed investigations of accidents described in each paragraph above.

#### 9003. TRAFFIC ACCIDENT INVESTIGATION REPORTS

1. Accidents Requiring Immediate Reports. The driver or owner of any vehicle involved in an accident described in paragraph 9002 must notify the Provost Marshal's Office immediately. The operator of any government vehicle involved in an accident off the installation must notify the nearest civilian law enforcement personnel and nearest military installation military police.

2. Investigation Records. The Provost Marshal will record traffic accident investigations on the required forms. Information will be released according to Marine Corps policy, the Privacy Act of 1974, and the Freedom of Information Act.

3. Military Police Accident Investigators will assist all personnel in reporting and filling out damage report accidents as identified in this section above.

#### 9004. USE OF TRAFFIC ACCIDENT INVESTIGATION REPORT DATA

1. Data derived from traffic accident investigation reports and from vehicle owner accident reports will be analyzed to determine probable causes of accidents. When frequent accidents occur at a location, the conditions at the location and the types of accidents (collision diagram) will be examined.

2. The Provost Marshal will include in traffic accident investigation reports information as to whether or not seat belts were being utilized at the time of the accident.

MOTOR VEHICLE AND TRAFFIC REGULATIONS

CHAPTER 10

GOVERNMENT VEHICLES AND COMMERCIAL CARRIERS

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# MOTOR VEHICLE AND TRAFFIC REGULATIONS

## CHAPTER 10

### GOVERNMENT VEHICLES AND COMMERCIAL CARRIERS

#### SECTION 1: GOVERNMENT VEHICLES

##### 10101. GENERAL

1. The operation and use of government vehicles shall be per this Manual and other directives and instructions relating to the use and operation of government vehicles.
2. Vehicles operated by appropriated and nonappropriated fund activities shall be governed by this Manual.
3. Vehicles leased to the government shall be governed by this Manual.

##### 10102. OPERATORS

1. A person must have a government license if the vehicle is over 10,000 pounds Gross Vehicle Weight (GVW), a four wheel drive vehicle or a tactical vehicle, CCO 11240.35 applies. All other government vehicles may be operated by personnel who possess a valid state operator's permit. Student drivers will comply with the same requirements except they will be accompanied by a licensed driver during the operation of the vehicle.
2. Civilian operators of government vehicles and operators of vehicles controlled by nonappropriated fund activities shall, when operating vehicles, have in their possession a valid state operator's or chauffeur's license or permit.
3. No operators of a government vehicle shall have in their possession any alcoholic beverages or partake of any alcoholic beverages eight hours prior to taking control of the vehicle.
4. The operators of a government vehicle are responsible for the safe operation of the vehicle while it is assigned to them and for safety of all passengers and cargo.
5. Drivers shall not operate a government vehicle while impaired by fatigue, illness, alcohol, drugs, or when otherwise physically unfit.
6. All vehicles operated by unlicensed personnel either for training or for use in the government motor vehicle operator's licensing tests shall be equipped with a sign on the front and rear of the vehicle with lettering at least five inches high reading "STUDENT DRIVER."

##### 10103. USE AND OPERATION

1. Ambulances, tank trucks, wreckers, fire trucks, dump trucks and other special purpose vehicles shall normally be used only for the purpose intended.
2. Government vehicles shall not be left unattended with the engine running at any time. While stationary, the engine of a government vehicle shall not be operated for a period of more than one minute, unless otherwise required for proper utilization of the vehicle and its equipment.
3. The operation of government commercial type vehicles shall be limited to developed roads, except when otherwise expressly authorized

4. Government vehicles, other than tactical vehicles in training or maneuver areas, shall not be driven on the shoulder of the roadways unless expressly authorized.
5. Tracked vehicles, when crossing paved roads, will only do so at the areas marked for such crossings and made of concrete.

#### 10104. PUSHING AND TOWING

1. No government vehicle shall be used to push or tow another vehicle unless designated for that purpose.
2. Government vehicles will only be towed by a wrecker truck using a tow-bar or similar connection. Both vehicles shall be completely stopped before they are uncoupled and wheels shall be checked if necessary. No person shall go between vehicles to uncouple them until it is certain that both vehicles are fully stopped.
3. Vehicles weighing more than wreckers shall be towed by tow-bars and shall not be lifted.
4. Warehouse tractors may trail a maximum of five warehouse trailers.
5. "Jump or push starting" a vehicle using a government vehicle is prohibited.

#### 10105. BACKING OF VEHICLES

1. No vehicle shall be backed until the driver has ascertained that the maneuver can be made safely.
2. When the operators of a government vehicle determine that they must back or operate in close quarters, the rider or helper, if any, shall dismount and act as a guide. In this capacity, the guide is authorized to direct and control traffic to facilitate the required maneuver.
3. If there is no rider or helper or other assistance available, the driver shall ensure by personal observation that the way is clear before backing or operating the vehicle in close quarters. Unless this inspection can be performed from the driver's position, the driver shall dismount to make the inspection before attempting the maneuver.
4. Military personnel, if requested, may assist the driver of a government vehicle by performing the function of a guide so that the driver may safely back the vehicle.

#### 10106. SPEED RESTRICTIONS

1. The operator of a government vehicle shall not follow another vehicle at a distance that is not reasonable or prudent. Due regard should be given for the relative speed of the vehicle, the amount of traffic, the condition of the road, visibility, and the type of vehicle directly ahead.
2. No government vehicle, except on an emergency run, shall be operated in excess of the posted speeds. Further, tactical government vehicles shall in no case exceed 45 mph (miles per hour)
  - a. Emergency vehicles may exceed posted speeds by only 10 mph.
  - b. Government vehicles moving in reverse shall not exceed 5 mph.



c. Fork lift trucks and tractor trailer trains shall not exceed 10 mph.

d. Tactical vehicles shall not exceed posted speed limits or the speed limits listed on the date plate, whichever is lower.

3. Speed restrictions for government vehicles on authorized emergency runs are set forth in the paragraphs above.

4. The maximum speed limit for government vehicles on unimproved roads shall be 15 mph unless otherwise posted or authorized. Unit commanders to whom vehicles are assigned shall be responsible for the enforcement of this restriction within training areas.

#### 10107. EQUIPMENT

1. No operators of a government vehicle with seat belts shall operate the vehicle without first snapping or buckling the seat belt around their body in the prescribed manner.

2. Cranes and similar type equipment shall not be operated closer to power lines than the boom length or height of the vehicle and its equipment except as may otherwise be authorized.

#### 10108. PASSENGERS

1. Government vehicles shall transport only authorized personnel or those personnel designated on "Official Government Business."

2. Not more than three persons, including the driver, shall ride in the front seat of a government vehicle if it has a bench seat and seat belts for each person. If the adding of a third passenger interferes with the smooth operation of the vehicle only two persons will be in the front seat

3. No person shall be permitted to ride in the cargo area of any government vehicle, two or four-wheel trailer or semi trailer, except for authorized movements in a semi trailer.

4. Government vehicles shall not be loaded in excess of the authorized passenger capacities in accordance with current safety regulations.

#### 10109. SCHOOL BUSES

1. School buses shall pick up and discharge passengers at a designated "Bus Stop" outlined in school bus schedules.

2. The operator of a school bus shall not drive closer than 300 feet to another school bus and shall not proceed across any railroad, main traveled road or any dangerous thoroughfare until safety is ensured.

#### 10110. EMERGENCY VEHICLES

1. Drivers of authorized emergency vehicles responding to an emergency shall operate the vehicle with due regard for the safety of all persons.

2. Privileges granted to an authorized emergency vehicle shall apply only when:

- a. The driver of such vehicle in motion sounds an audible signal, siren or horn, as may reasonably be necessary; and,
  - b. The vehicle is equipped with at least one lighted lamp displaying a red or blue light visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle.
3. When responding to an emergency call, the driver of an authorized emergency vehicle in pursuit of an actual or suspected violator of the law or responding to a fire alarm may exercise the following privileges subject to conditions stated elsewhere:
- a. Park or stand irrespective of the provisions of this Manual.
  - b. Proceed past a red/stop signal sign after slowing down or stopping as may be necessary for safe operation and to ensure the intersection is clear of all traffic.
  - c. Exceed by no more than 10 mph the authorized speed limits.
  - d. Disregard regulations governing direction of movement or turning in specified directions only if it can be conducted in a safe manner.
4. Any military vehicle committed to a mission of an emergency nature involving the transportation of personnel, supplies, or equipment may proceed on the Combat Center, after involvement in a collision or accident, unless to do so would leave an injured person without assistance. The operator of the vehicle shall make a full report of the circumstances of the accident or collision as soon as practicable upon completion of the mission. Information shall be given to the Combat Center Fire Department and the Military Police in the event an accident occurs.

10111. ACCIDENTS. The operator of a government vehicle involved in an accident or collision on the Combat Center shall immediately notify the Provost Marshal and make a report of the event on the Operator's Report of Motor Vehicle Accident (SF-91) irrespective of the fact that other vehicles involved are government vehicles. The accident will be reported by the operator regardless of the nature and extent of injuries, property damage, or apparent responsibility for the accident collision.

10112. OFF THE COMBAT CENTER. All Marine government vehicles require an "Off-Base Trip Ticket" (DD Form 1870 Motor Vehicle Utilization Record), available from the Head, Garrison Mobile Equipment Division, prior to being dispatched off-Base.

# MOTOR VEHICLE AND TRAFFIC REGULATIONS

## CHAPTER 10

### SECTION 2: COMMERCIAL VEHICLES AND CARRIERS

10201. GENERAL. In addition to the instructions contained herein, operators of commercial vehicles and carriers shall comply with instructions relating to the use and operation of vehicles contained elsewhere in this Manual.

#### 10202. ADMISSION

1. Buses of recognized scheduled public carriers shall be regularly admitted on the base after having their entrance formally recorded.

2. Taxis from other than the local area may obtain a visitor's pass and may enter the base to discharge passengers.

3. All taxi passengers will be logged in at the Main Gate or the Vehicle Registration Office.

10203. PASSENGERS. No taxi shall transport more than five persons in addition to the driver while on the Combat Center.

MOTOR VEHICLE AND TRAFFIC REGULATIONS

CHAPTER 11

MISCELLANEOUS TRAFFIC REGULATIONS

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# MOTOR VEHICLE AND TRAFFIC REGULATIONS

## CHAPTER 11

### MISCELLANEOUS TRAFFIC REGULATIONS

11001. OFF-INSTALLATION TRAFFIC ACTIVITIES. The Provost Marshal will establish a system to exchange information with civil authorities. Procedures will be established to process reports received from civil authorities on serious traffic violations, accidents, and intoxicated driving incidents involving persons subject to this Manual.

11002. COMPLIANCE WITH STATE LAWS

1. All military personnel, DoD civilian employees, contractors and their employees and other personnel with base driving privileges will comply with state and local traffic laws when operating either military or privately owned vehicles whether on or off the Combat Center.

2. The Provost Marshal will maintain liaison with civilian law enforcement agencies and encourage the following:

a. Release of a government vehicle operator to military authorities, unless:

(1) The offense warrants detention; or,

(2) The person's condition is such that further operation of a motor vehicle could result in injury to the person or others.

b. Prompt notice to military authorities when military personnel or drivers of government vehicles or military personnel operating POV's have:

(1) Committed serious violations of civil traffic laws; or,

(2) Been in traffic accidents.

c. Prompt notice of actions by the state and local courts and others to suspend, revoke, or restrict the state drivers license of persons who:

(1) Operate government vehicles; or,

(2) Regularly operate POV's on the Combat Center.

11003. CIVIL/MILITARY COOPERATIVE PROGRAMS

1. State/Armed Forces Traffic Workshop Program. This program is an organized effort to coordinate military and civil traffic safety activities throughout this area. All personnel will cooperate with state and local officials in this program and provide proper support and participation.

2. Community Installation Traffic Workshop Program. The Provost Marshal will set up a local workshop program to coordinate the Combat Center traffic efforts with those of local communities. Sound and practical traffic planning depends on a balanced program of traffic enforcement, engineering and education. Civilian and military legal and law enforcement officers, traffic engineers, safety officials, and public affairs officers should take part.

11004. RECIPROCAL STATE/MILITARY ACTION. The Combat Center recognizes the interests of the State of California in matters of POV administration and drivers licensing. The base fully supports the efforts of California in insuring that persons with a suspended or revoked drivers license are detected and removed from the road. Statutory authority exists in California for reciprocal suspension and revocation with many other states, who are members of the non resident violators compact. The Combat Center Traffic Court shall suspend or revoke driving privileges as if the violation has occurred aboard the Combat Center if notified by the local authorities or any compact state that the drivers license of an individual has been revoked in the state of issuance based on violations occurring in any compact state.

11005. REMEDIAL DRIVER TRAINING/ALCOHOL AND DRUG COUNSELING PROGRAMS

1. Remedial Driver Training and Drug Counseling programs will be conducted per MCO 5100. 19C.
2. The Combat Center Safety Officer shall set up a remedial driver training program to instruct and correct military personnel identified as problem drivers. Personnel will be chosen for the program on the basis of their individual driver records. The curriculum will provide instruction to improve driver performance and compliance with traffic laws.
3. The Combat Center Safety Officer shall hold periodic courses, if courses on a continuing basis are not practical. If civil authorities hold such courses, the Combat Center Safety Officer may make local arrangements for base personnel to attend these courses in lieu of the requirement in paragraph 12004 above.

11006. TRAFFIC PLANNING

1. Safe and efficient movement of traffic on the Combat Center requires police traffic supervision. A police traffic supervision program will include planning, supervision, and control of motor vehicle traffic publication and enforcement of traffic laws and regulations and investigation of motor vehicle accidents.
2. The Provost Marshal will coordinate development of traffic circulation plans that provide for the safest and most efficient use of primary and secondary roads. Circulation planning will be a major part of all long-range master planning aboard the Combat Center. Traffic circulation planning will be developed by the Provost Marshal, engineer, safety officer, and other concerned staff agencies. Highway engineering representatives from adjacent civilian communities should be consulted to insure that installation plans are compatible with the current and future circulation plans of the community. Plans will include the following:
  - a. Normal and peak load routing based on traffic control studies.
  - b. Effective control of traffic using planned direction, including measure for special events and adverse road and weather conditions.
  - c. Point control at congested locations by law enforcement personnel or designated traffic control personnel.

# MOTOR VEHICLE AND TRAFFIC REGULATIONS

## APPENDIX A

### TRAFFIC POINT ASSESSMENT TABLE

#### A. GENERAL

1. This table implements the Traffic Suspension/Revocation of Driving Privileges/Point Assessment System which appear below. The table lists the points and suspensions/revocations which may be imposed for certain offenses.

a. The Traffic Court Hearing Officer may, at his discretion, award less than the maximum penalty listed in Appendix A. The individual's record, attitude and any extenuating and/or mitigating circumstances may affect the MCAGCC Traffic Court Hearing Officer's decision when awarding points or suspension/revocation of base driving privileges.

b. When a mandatory penalty is indicated, that penalty must be awarded in the event the defendant is found guilty of that offense. No discretion on the part of the Hearing Officer is authorized.

c. At no time will a traffic court judge exceed the maximum listed penalty or reduce the minimum penalty for a given offense.

d. In cases where the violator is awarded suspension/revocation for more than one offense at a Traffic Court Hearing, the suspensions/revocations shall run consecutively.

e. In cases where a violator is cited for a violation that requires corrective modifications be made to a vehicle such as tinted windows, defective equipment and illegal equipment, the violator cannot appear before the Traffic Court Hearing Officer to dispute required modifications. These cases will be handled by the PMO Traffic Court Clerk at Bldg 1408

(1) If the original defective or illegal equipment violation has not been corrected, or the same vehicle has subsequent/repeat offenses, the PMO Services Officer/Chief shall terminate the registration of the subject vehicle. At that time, the violator will be required to remove the vehicle from the Combat Center. The violator may reregister the vehicle when the discrepancies are corrected. Points or suspension/revocation may also be awarded per this Manual.

(2) Any points awarded as a result of being found guilty shall be effective on the date the violator was convicted by military or civilian authorities.

2. Persons cited for violations which may result in revocation, suspension, or point assessment have the right to have their case heard before a Traffic Court Hearing Officer at the date and time determined by the Traffic Court Clerks.

a. Persons who plead not guilty will be required to appear at MCAGCC Traffic Court. All persons who plead guilty will be adjudicated at Bldg 1408, PMO Traffic Court and will not be required to appear before the MCAGCC Traffic Court Hearing Officer. In those cases which require mandatory appearances a individual may not plead guilty at PMO, final adjudication is imposed by the MCAGCC Traffic Court Hearing Officer.

(1) Persons who plead guilty to an offense which does not require a mandatory court appearance will be awarded the points or the mandatory suspension/revocation allowed for that offense.

## MOTOR VEHICLE AND TRAFFIC REGULATIONS

(2) In cases where offenders plead guilty and a suspension/revocation is imposed by the PMO Traffic Court Clerk or the MCAGCC Traffic Court Hearing Officer, they will sign and receive a copy of the notice advising them of the penalty or penalties and will be advised of the requirements necessary for full reinstatement or guidance on requesting limited driving privileges. Individuals are responsible for initiating any appeal, request for limited or full reinstatement of driving privileges through their command, per this Manual, and must include any evidence pertinent to their case with the appeal or request.

b. The MCAGCC Traffic Court Hearing Officer will review each contested case listed on the PMO traffic court docket and may request for additional evidence to be presented. The person cited is responsible for bringing any evidence pertinent to his/her defense to the traffic court hearing.

c. The Traffic Court Hearing Officer will determine whether a violation occurred, and if so, what penalty is to be assessed. The following table will be used to determine adjudication.

TABLE OF VIOLATIONS AND ADMINISTRATIVE ACTIONS

<u>VIOLATION</u>	<u>ADJUDICATION</u>
1. Driving while driver's license or . . . . . installation driving privileges are under suspension or revocation, or allows a person other than a dependent to operate the suspended/ revoked person's automobile on base.	Mandatory Two Years Revocation
2. Refusal to submit to or failure to. . . . . complete chemical test (implied consent)	Mandatory One Revocation
3. Manslaughter (or negligent homicide . . . . . by vehicle) resulting from the operation of a motor vehicle	Mandatory One Revocation
4. Driving or being in actual physical . . . . . control of a motor vehicle while under the influence of alcohol (BAC -.08% or greater) or driving a vehicle while under 21 with a BAC of .01% or above.	Mandatory One Revocation
5. Driving a motor vehicle while . . . . . under the influence of any narcotic, or while under the influence of any other drug (including alcohol) to the degree rendered incapable of safe vehicle operation	Mandatory One Year Revocation
6. Use of a motor vehicle in the . . . . . commission of a felony	Mandatory One Year Revocation
7. Fleeing the scene of an accident. . . . . involving death or personal injury (hit & run)	Mandatory One Year Revocation
8. Perjury or making a false statement . . . . . or affidavit under oath to responsible officials relating to the ownership or operation of motor vehicles	Mandatory One Revocation



# MOTOR VEHICLE AND TRAFFIC REGULATIONS

## VIOLATION

## ADJUDICATION

9. Unauthorized use of a motor vehicle . . . . . belonging to another, when the act does not amount to a felony	Six Months or Suspension or Revocation not more than One Year is Discretionary
10. Mental or Physical impairment (not- . . . . . including alcohol or other drug use) to the degree rendered incompetent to drive	Same As Above
11. Commission of an offense in another. . . . . state which, if committed on the installation, would be grounds for suspension or revocation	Same As Above
12. Permitting an unlawful or fraudulent . . . . . use of a Driver's license	Same As Above
13. Fleeing, or attempting to elude a. . . . . police officer	Same As Above
14. Use of hydraulically operated. . . . . suspensions while vehicle is in motion	Four Points
15. Receiving a second one year. . . . . revocation of driving privileges within five years	Loss of OF346 for a minimum of Six months is Discretionary Mandatory Appearance
16. Reckless driving (willful and. . . . . wanton disregard for the safety of persons or property)	Six points or Six months or less suspension, or revocation not more than one year is discretionary
17. Owner knowingly and willfully. . . . . permitted a physically impaired person to operate the owner's vehicle	Six Points
18. Fleeing the scene of a traffic . . . . . accident (hit & run) - property damage only	Six Points
19. Driving a vehicle while impaired . . . . . (DWI) (BAC .05 or more, but less than .08%)	Six points
20. Driving a vehicle while impaired . . . . . (DWI) (BAC .05% or more, but less than .08%), second or subsequent offense within a twelve month period	Six Points Loss of OF 346 for minimum six months is discretionary
21. Speed Contests (careless driving. . . . . to include spinning tires, excessive acceleration & exhibition of speed)	Six Points
In housing (enhanced penalty) . . . . .	Up to One Year Revocation Discretionary Mandatory Appearance
22. Speed too fast for road conditions . . . . . (weather, visibility, safety of persons road width, surface and traffic on road)	Two Points

# MOTOR VEHICLE AND TRAFFIC REGULATIONS

## VIOLATION

## ADJUDICATION

23. Speed too slow, causing a . . . . .	Two Points
potential safety hazard (Impeding Traffic)	
24. Failure of operator or occupants to. . . . .	Two Points
properly use safety restraint system	
25. Failure of operator or occupants . . . . .	One Month Suspension
to properly use safety restraint system,	
second or subsequent offense within a	
twelve month period.	
26. Failure to properly restrain . . . . .	Two Points
children in a federally approved	
child restraint while vehicle is	
moving (when child is under four years	
old regardless of weight, or the weight of	
child is 40 lbs or less regardless	
of age	
27. Failure to properly restrain . . . . .	One Month Suspension
children in a federally approved child	
restraint while vehicle is moving (when	
child is under four years old regardless	
of weight or the weight of child is 40	
lbs or less regardless of age (second or	
subsequent offense within a twelve month period)	
28. One to ten miles per hour over . . . . .	Three Points
the posted speed limit	
29. Eleven to fifteen MPH over the . . . . .	Four Points
posted speed limit	
30. Sixteen to nineteen MPH over the. . . . .	Five Points
posted speed limit	
31. Twenty MPH or more over the. . . . .	Three Months Suspension
posted speed limit	Six Months Discretionary
	Mandatory Appearance
32. In housing one to ten miles. . . . .	Three Points
per hour over the posted speed limit	
Second Offense. . . . .	One Month Suspension
33. In housing eleven to fifteen . . . . .	Four Points
MPH over the posted speed limit	
Second Offense. . . . .	Two Months Suspension
34. In housing sixteen to nineteen . . . . .	Five Points
MPH over the posted speed limit	
Second Offense. . . . .	Three Months Suspension
35. In housing twenty MPH or more. . . . .	Three Months Suspension
over the posted speed limit	
Second Offense. . . . .	Six Months Suspension
36. Crossing double yellow line when . . . . .	Four Points
passing troop or P.T. formations	

# MOTOR VEHICLE AND TRAFFIC REGULATIONS

<u>VIOLATION</u>	<u>ADJUDICATION</u>
37. Following too closely . . . . .	Four Points
38. Failure to yield right of way to . . . . . emergency vehicle	Four Points
39. Failure to stop for school bus or. . . . . school-crossing signals	Four Points
40. Failure to obey traffic signals. . . . . or traffic instructions of a law enforcement officer or traffic warden; or any official regulatory traffic sign or device requiring a full stop, yield, or right of way; denying entry; or requiring direction of traffic	Four Points
41. Failure to obey traffic signals or . . . . . traffic instructions of a law enforcement officer or traffic warden; or any official regulatory traffic sign or device requiring a full stop or yield or right of way; denying entry; or requiring direction of traffic (second or subsequent offense within a twelve month period	Three Months Suspension
42. Improper passing . . . . .	Four Points
43. Failure to yield (no official sign . . . . . involved)	Four Points
44. Improper turning movements (no . . . . . official sign involved)	Three Points
45. Wearing of headphones/earphones. . . . . while driving a motor vehicle (two or more wheels)	Three Points
46. Improper overtaking. . . . .	Three Points
47. Operating or having a vehicle on . . . . . base without valid insurance	Three Months Suspension
48. Operating or having a vehicle on . . . . . base with expired state registration	Decal removal until deficiency is corrected
49. Operating or having a vehicle on . . . . . base with state registration that is expired for more than six months	Three Months Suspension
50. Failure to report involvement in a . . . . . traffic accident	Three Months Revocation
51. Driver involved in accident is deemed. . . . . responsible (only added to points assessed for specific offenses)	One Point
52. Prohibited equipment, first offense. . . . .	Three Points
53. Prohibited equipment, second offense . . . . . within twelve months	Three Months Suspension Mandatory Appearance

# MOTOR VEHICLE AND TRAFFIC REGULATIONS

<u>VIOLATION</u>	<u>ADJUDICATION</u>
54. Prohibited equipment, third or . . . . . subsequent offense within a twelve month period	Three Months Suspension Mandatory Appearance
55. Negligent failure to see intended move . . . . .	Three Points
56. Negligent operation of a motor . . . . . vehicle resulting in property damage or bodily injury	Three Points
57. Any vehicle which emits excessive. . . . . pollutants or having an illegally modified exhaust system	Three Points Removal of Decal if not corrected in 30 days
58. Illegal entry or exit by motor . . . . . vehicle onto or off of the base by other than authorized entry or exit point (Condor, Main or Ocotillo Gates)	Six Months Revocation Mandatory Appearance (Civilians will be issued a DD form 1805)
59. Failure to giver proper signal . . . . .	Three Points
60. Inattention to driving . . . . .	Three Points
61. Driving without a valid state. . . . . driver's license in possession (but otherwise license is valid)	Two Points (Will be dismissed if valid license is brought to PMO Traffic Court Clerk
62. Driving with an expired driver's . . . . . license (unless has military extension for state)	Decal Removal until Deficiency is corrected
63. Driving unlicensed . . . . .	One Year Revocation
64. Having more than one driver's license. . . . . issued, altering a driver's license or fraudulent use of a driver's license	Four Points
65. Driving out of class or in violation . . . . . of driver's license restrictions	Three Months Suspension
66. Operation of motor vehicle without . . . . . the written consent of owner (other than licensed dependents)	Three Points
67. Driving on sidewalk, prohibited, . . . . . restricted or seeded area	Four Points
68. Throwing litter or lighted/burning . . . . . object from vehicle	One Month Suspension
69. Operating or having a motor vehicle. . . . . on base without a valid pass or decal	Four Points
70. Carrying illegal number of passengers. . . . .	Three Points
71. Fraudulent application for or use. . . . . of altered state tags, base decal or pass	Six Months Revocation

# MOTOR VEHICLE AND TRAFFIC REGULATIONS

<u>VIOLATION</u>	<u>ADJUDICATION</u>
72. Failure to report to Bldg 1408 as cited. . . . .	Equivalent punishment that could be awarded for original offense, plus three months suspension
73. Failure to appear at traffic court . . . . .	Equivalent punishment that could be awarded for original offense, plus three months suspension
74. Open alcoholic beverage container in . . . . . vehicle	Two Months Suspension
75. Allowing an unlicensed driver to drive . . . . .	Two Months Suspension
76. Illegal parking, first offense . . . . .	One Point
77. Illegal parking, second offense within . . . . . twelve month period	Three Points
78. Illegal parking, third offense within. . . . . twelve month period	Two Months Suspension
79. Illegal parking, fourth or subsequent. . . . . offense within a twelve month period	Six Months Revocation
80. Illegal parking, handicapped space . . . . .	One Month Suspension
81. Illegal parking, handicapped . . . . . space, second or subsequent offense within a twelve month period	Three Months Suspension
82. Leaving child age ten years or under . . . . . unattended in a parked vehicle (engine off)	Three Months
83. Leaving child age ten years or under . . . . . unattended in a parked vehicle (engine running)	One Month Suspension
84. Failure to set parking brake on. . . . . unattended vehicle with engine running	Three Points
85. Leaving an unattended animal in. . . . . vehicle under inhumane conditions	One Month Suspension
86. Four or more moving violations within. . . . . a two month period; accumulation of twelve points within twelve months; or accumulation of eighteen points within 24 months	One Year Revocation
87. Other moving violations (involving . . . . . driver behavior only)	Three Points
88. Operating an unsafe vehicle, first offense . . . (see note 1)	Two Points
89. Operating an unsafe vehicle, second offense. . . within a twelve month period (see note 1)	One Month Suspension

# MOTOR VEHICLE AND TRAFFIC REGULATIONS

## MOTORCYCLE PROVISIONS

### VIOLATION

### ADJUDICATION

90. Operating an unsafe vehicle, third offense or subsequent offense within a twelve month period (see note 1)	Three Month Suspension
91. Any other violation of the California Vehicle Code (CVC) or this order not listed in this table	To be determined by the Traffic Court Hearing Officer Three Points Minimum Six Points Maximum
92. Driver involved in an accident	Two Points
93. Illegal distribution, possession or use of a controlled substance (drug abuse)	One Year Revocation
94. Failure to register/deregister vehicle aboard MCAGCC	One Month Suspension
95. Loud Music (audible outside the confines of the vehicle)	Three Points
96. "Showing off" or grandstanding in any manner	Four Points
97. Unsafe passing of other vehicles in same lane on either side or weaving in and out of traffic	Four Points
98. Unsafe Riding between lanes of moving traffic or riding between the traffic lane and parked cars	Five Points
99. Riding two or more abreast in same lane	Three Points
100. Allowing passenger to ride side-saddle or without protective equipment	Three Month Suspension
101. Allowing operation by any person other than a properly licensed motorcycle operator	Three Month Suspension
102. Carrying items that interfere with safe control of motorcycle	Three Points
103. Failure to wear approved helmet and/or reflectorized vest and/or protective clothing/gear while operating or riding on a motorcycle, MOPED, or a three or four-wheel vehicle powered by an electric or fuel powered motor	Four Points
104. Violating Combat Center motorcycle protective equipment regulations (second or subsequent offense within a twelve month period)	One Month Suspension
105. Operating a motorcycle on a street or highway without a motorcycle endorsement	Three Months Suspension

## MOTOR VEHICLE AND TRAFFIC REGULATIONS

### VIOLATION

### ADJUDICATION

106. Three warning citations for the same offense. . See note (2)

Note: (1) This is used when a citation is issued for defective equipment and the subject fails to correct the discrepancy within the allotted amount of time (three working days plus one 4 day extension). Seven working days after being issued the citation, the offender will be issued a court date. If the offender does not report to Building 1408 as required, he/she will be processed as a Failure to Appear and receive the punishment(s) indicated in the above table.

Note: (2) If an offender is issued three warning citations for the same offense, the third warning citation have points assessed for that offense. He/she will have the opportunity to plead guilty to the citation at Bldg. 1408, PMO traffic court, or request a hearing before the MCAGCC Traffic Court to plead their case.

3. If an offender is issued a citation on any subsequent violation of this Manual concerning defective/illegal equipment or modifications, the following may also apply:

a. That by issuance of an Incident Complaint Report (ICR), and any other pertinent evidence enclosed, the military police suspect the offender has by malice intent, deceived military police by such repeated violations, the offender will be issued a mandatory Traffic Court Hearing. If found guilty at Traffic Court, he/she will be placed on Base Revocation for a period of no less that one year and no more than three years.

b. Prior to the start of the revocation period, and only after proper corrections have been made, will bonafide dependents be authorized to operate his/her vehicle aboard the Combat Center.

c. If the same infraction occurs during his/her revocation period, the registered owner must report to the Vehicle Registration Office, Bldg. 901 for permanent deregistration of the vehicle and removal of the decal. The owner will be instructed to remove the vehicle from the Combat Center for the remainder of his tour of duty.

d. All requests for appeals or reinstatements of base driving privileges for violations contained in paragraph (3) above will apply per this Manual.

## MOTOR VEHICLE AND TRAFFIC REGULATIONS

### APPENDIX B

#### GLOSSARY

ADSAP- Alcohol/Drug Action Safety Program is offered by the civilian community for persons convicted of Driving While Intoxicated (alcohol or drugs).

BAC- Blood Alcohol Content, the term used to define the amount of alcohol in the blood by volume.

Chemical Breath Testing Device- An instrument using photoelectric cells or other physical or chemical means to quantitatively determine blood-alcohol concentrations (Breathalyzer)

Collision Diagram- A plan of an intersection or section of roadway on which reported accidents are diagrammed by means of arrows showing the manner of the collision.

Condition Diagram- A scale drawing of an intersection or section of roadway that shows all objects and physical conditions that bear on traffic movement and safety.

Conviction- A final adjudication that may include one of the following:

- a. An un-vacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court.
- b. Pleas of nob contendere accepted by a court.
- c. Payment of a fine.
- d. Pleas of guilty or finding of guilty on a charge of violating State law, Federal Law or the UCMJ.
- e. Judicial or nonjudicial punishment imposed under the UCMJ.

Driver- Any person who drives or is in physical control of a motor vehicle. A driver is in physical control when in a position to control the motor vehicle, whether to regulate or restrain its operation or movement; for example, sitting in a parked car behind the steering wheel, keeping it in restraint or in position to control its movement. The word driver is interchangeable with the word "operator."

Drivers License- A license to operate a motor vehicle under the laws of a state, the District of Columbia, the U.S. Government or overseas command.

Driving Privileges- The privilege extended by an installation commander to a person permitting the operation of a motor vehicle within the limits of the installation.

GOV-Government Owned Vehicle- A motor vehicle owned, rented or leased by DoD. This includes vehicles owned, rented, or leased by NAF activities of the military departments

High Accident Frequency Location- A location, or length of roadway, normally not more than one-half mile in length, where an unusually high number of accidents have occurred.



## MOTOR VEHICLE AND TRAFFIC REGULATIONS

Intoxicated Driving- Includes one or more of the following:

- a. Driving, operating, or being in actual physical control of a motor vehicle under any intoxication caused by alcohol or drugs in violation of Article 111 of the UCMJ or a similar law of the jurisdiction in which the vehicle is being operated.
- b. Driving, operating, or being in actual physical control of a motor vehicle with a BAC of 0.08% or higher on a military installation or in an area where traffic operations are under military supervision.
- c. Driving, operating, or being in actual physical control of a motor vehicle with a BAC of 0.08% or higher in violation of the law of the jurisdiction in which the vehicle is being operated.
- d. Driving, operating, or being in actual physical control of a motor vehicle with a BAC of 0.05% but less than 0.08% in violation of the law of the jurisdiction in which the vehicle is being operated if the jurisdiction imposes a suspension or revocation solely on the basis of the BAC level.

Law Enforcement Personnel (Officials)- Persons under the supervision of the installation law enforcement officer (Provost Marshal) who are authorized to direct, regulate, and control traffic, and to apprehend or arrest violators of laws and regulations (Military Police).

Moped- Any two or three-wheel device having operative capability by:

- a. Human propulsion power (or no pedals if powered solely by electrical energy).
- b. An automatic transmission.
- c. A motor that produces less than two gross brake horsepower and:
  - (1) Propels the device at a maximum of not more than 30 miles per hour level ground.
  - (2) Has a maximum engine size of 50 cubic centimeters.

Motorcycles- Every motor vehicle that has a seat or saddle for use of the rider and is designed to travel with not more than three wheels in contact with the ground. Tractors and mopeds are excluded.

Motor Vehicle- Any vehicle driven or drawn by mechanical power, and manufactured primarily for use on public streets, roads, and highways. (Vehicles operated only on a rail or rails are excluded.)

Motor Vehicle Registration- The process of issuing registration certificate and registration plates for a motor vehicle under the law of a State (state registration). A motor vehicle authorized to operate on a military installation in the United States or its territories.

Motor Vehicle Traffic Accident- An unintended event causing injury or damage, and involving one or more motor vehicles on a highway, road, or street that is publicly maintained and open for public vehicular travel.

Motor Vehicle Traffic Accident Classification- The classification of traffic accidents according to severity of injuries or property damage sustained. Major classifications include the following:

## MOTOR VEHICLE AND TRAFFIC REGULATIONS

### a. Severity of injury

(1) Fatal accident. A motor vehicle accident that results in fatal injuries to one or more personnel. A fatal injury is one that results in death within 12 months of the accident causing the injury.

(2) Incapacitating injury. An injury, other than fatal, that prevents the injured person from walking, driving, or normally continuing the activities that he or she was capable of performing before the accident. Examples are severe lacerations, broken or distorted limb, skull fracture, crushed chest, internal injuries, unconsciousness when taken from the accident scene, or inability to leave the accident scene without help.

(3) Evident injury. An injury, other than fatal and incapacitating, that is evident to any person at the scene of the accident. Examples are lump on the head, abrasions, or minor lacerations.

(4) Possible injury. An injury reported or claimed that is not fatal, incapacitating, or non incapacitating evident injury. Examples are momentary unconsciousness, claim of injuries that are not evident, limping, or complaint of pain, nausea, or hysteria.

### b. Severity of vehicle damage

(1) Disabling damage. Any damage to a vehicle such that it cannot be driven (or towed in the case of trailers) from the scene of the accident in the usual manner by daylight after simple repairs, and without further damage or hazard to itself, other traffic elements, or to the roadway.

(2) Functional damage. Any nondisabling damage to a vehicle that affects operation of the vehicle or its parts. Examples are doors, window, hood, and trunk lids that will not operate properly; or any damage that could prevent the motor vehicle from passing an official motor vehicle safety inspection.

(3) Other motor vehicle damage. Any damage to a vehicle that is neither disabling nor functional damage. Such damage usually affects only the load on the vehicle or the appearance of the motor vehicle. Examples are damage to hubcaps, trim, or grill; glass cracks that do not interfere with the vision; dents, scratches; body punctures; or damage to the load.

Moving Violation- A violation of any traffic law, ordinance, or regulation while operating a vehicle. Moving violations typically involve one or both of the following:

a. Unsafe act. An act or omission in traffic that is hazardous.

b. Unsafe condition. Causing or permitting an illegal and possibly hazardous condition of-

(1) Highways, roads, or streets used by traffic.

(2) Vehicles used in traffic.

(3) A pedestrian or driver in traffic

Navy Alcohol, Drug Substance Abuse Program (NADSAP) A Navy program that provides a means to identify Navy personnel involved in alcohol-related situations, within the legal and medical systems, at the earliest indication of alcohol misuse, alcoholism or drug abuse.

Pedicycle- A vehicle operated solely by pedals and propelled by human power.

## MOTOR VEHICLE AND TRAFFIC REGULATIONS

Pedestrian- Any person not in or on a motor vehicle or other road vehicle.

Revocation of a Driver's License- The termination by formal action of a State of a person's license or privilege to operate a motor vehicle on the public roadways. This termination is not subject to renewal or restoration except that application may be presented and acted on by the State after the expiration of the period set by the State.

Revocation of Driving Privileges- Action taken by an installation commander to terminate a privilege to operate a motor vehicle on a military installation.

State- One of the U.S. States, the District of Columbia, the commonwealth of Puerto Rico, and the territory of Guam.

Suspension of Driver's License- The temporary withdrawal by formal action of a State of a person's driving license or privilege to operate a motor vehicle on public roadways.

Suspension of Driving Privileges- The temporary withdrawal by an installation commander of a person's privilege to operate a motor vehicle on a military installation for up to six months.

Traffic- Pedestrians, ridden or herded animals, vehicles, street cars, and other conveyances, either single or together, using the roadway.

Traffic Control Devices- Signs, signals, marking, lights, cones, and other devices placed by proper officials to regulate, warn, or guide traffic.

Traffic Laws- All laws, ordinances, and regulations concerning roadway traffic, including regulations on weight, size, and type of vehicles and vehicle cargo.

# MOTOR VEHICLE AND TRAFFIC REGULATIONS

## APPENDIX C

### PROCEDURAL GUIDE FOR TRAFFIC COURT HEARINGS

1. The Traffic Court Hearing Officer will ensure that all persons who appear before the Hearing Officer received the following advice:

My name is \_\_\_\_\_. I have been designated by the Commanding General to conduct Traffic Court Hearings. This hearing is held pursuant to Marine Corps Order 5110.1C and Combat Center Order P1630.8B.

The purpose of this hearing is to determine whether or not violations of laws and regulations relating to the registration and operation of motor vehicles have occurred and, if so, to take appropriate remedial measures. These measures may include revocation or suspension of Center driving privileges, or assessment of points against Center driving records. Accumulation of points may lead to suspension or revocation of Center driving privileges. The assessment of points, revocation and suspension of driving privileges are governed by an assessment table found in Marine Corps Order 5110.1C as supplemented by Combat Center Order 1630.8B.

These proceedings are administrative, not punitive in nature and I cannot impose a forfeiture, restriction or any other "office hours" or court-martial punishment. The purpose of this hearing is to insure that vehicles on Center roads, and the people in them, are safe; and to ensure that active duty military personnel are not unreasonably endangering their own lives or lives of others while operating motor vehicles off the Combat Center. These proceedings are separate and independent of disciplinary proceedings under the Uniform Code of Military Justice. Your respective commanding officers may evaluate the incident which led to your appearance here and take whatever actions may be appropriate under the Uniform Code of Military Justice.

You have the following rights:

- a. To present evidence and call witnesses, if reasonably available.
- b. To remain silent, that is, to make no statement at all.
- c. To confront adverse witnesses, if reasonably available. In most cases the adverse witness is a military policeman (MP). Experience has shown that most cases can be resolved without requiring the MP to come to the hearing. Many people admit the violation and question only the sanction. In other cases, the act alleged does not constitute a violation (for example, in an expired license case, it may turn out that the issuing state has a provision for automatic extensions for people in the service). Other cases may be disposed of by the hearing officer if the problem has been resolved and further action is not necessary. In such cases the hearing officer may simply dismiss the matter. If necessary to do so, however, we will call the MP to testify, today if possible, but most likely at a later date.
- d. You also have the right to be represented by a lawyer. With respect to this right, the government will not provide a lawyer for you. If you want to be represented by a lawyer, you must make your own arrangements, that is, hire your own.
- e. You have the right to inspect the statements and reports which comprise the record of your case.

## MOTOR VEHICLE AND TRAFFIC REGULATIONS

f. Each of you has the right to request a private hearing, and I will grant that request for good cause in the event, for example, the testimony of witnesses could be potentially embarrassing

g. Finally, if your case results in suspension or revocation of your base driving privileges, you have the right to appeal my decision to the Commanding General. The appeal must be submitted in writing, via the chain of command and Provost Marshal, addressed to the Commanding General, Marine Corps Air Ground Combat Center, Twentynine Palms, California (Attn: SJA). If no appeal is submitted to the Provost Marshal within ten working days from the date of the hearing, your appeal can be denied on the ground that it is untimely. You may apply for a limited reinstatement of driving privileges if suspension or revocation of your driving privileges creates a truly extraordinary hardship or interferes with your command's military mission. Requests for reinstatement must also be submitted in writing, via the chain of command to the Commanding General, Marine Corps Air Ground Combat Center (Attn: SJA).

Are there any questions?

Does anyone desire a continuance to obtain a lawyer?

Does anyone desire a closed hearing?

2. The hearing officer will write a brief summary of each case including testimony given, witnesses presented and evidence presented. These summaries will be retained on file by the hearing clerk for a period of one year from the date of the hearing, and a copy will be attached to any appeal of the action.

MOTOR VEHICLE AND TRAFFIC REGULATIONS

APPENDIX D

TRAFFIC HEARING ACTION

Date: \_\_\_\_\_

From: Traffic Hearing Officer  
To: (Name, Rank, SSN, Unit)

Subj: TRAFFIC HEARING ACTION

Ref: (a) MCO 5110.1C  
(b) CCO P1630.8B

1. Per the references, the below checked blocks indicate the results of the Traffic Hearing action taken in your case on \_\_\_\_\_.  
(date)

\_\_\_\_ Revocation of driving privileges for a period of \_\_\_\_\_.  
\_\_\_\_ Suspension of driving privileges for a period of \_\_\_\_\_.  
\_\_\_\_ Assessed \_\_\_\_\_ points on driving record.  
\_\_\_\_ Case dismissed.  
\_\_\_\_ Remedial Driving School next scheduled class commencing \_\_\_\_\_.  
\_\_\_\_ NADSAP next scheduled class commencing \_\_\_\_\_.  
\_\_\_\_ Referred to \_\_\_\_\_ for action.  
\_\_\_\_ Continued for \_\_\_\_\_. You are to reappear on \_\_\_\_\_.  
\_\_\_\_ Failed to appear

\_\_\_\_\_  
TRAFFIC HEARING OFFICER

-----  
FIRST ENDORSEMENT

From: (Name, Rank, SSN, Unit)  
To: Traffic Hearing Officer

1. I understand that the above action has been taken as a result of my Traffic Court Hearing. I further understand that I have the right to appeal this administrative action within 10 working days per Combat Center Order P1630.8B.

\_\_\_\_\_  
(Signature)

Copy to:  
Commanding Officer concerned

MOTOR VEHICLE AND TRAFFIC REGULATIONS

APPENDIX E

PROPOSED REVOCATION OF COMBAT CENTER DRIVING PRIVILEGES FOR DRUG ABUSE

LETTERHEAD

Date: \_\_\_\_\_

From: Commanding Officer  
To: (Name, Rank, SSN)

Subj: PROPOSED REVOCATION OF COMBAT CENTER DRIVING PRIVILEGES FOR DRUG ABUSE

Ref: (a) MCO P5300.12  
(b) CCO P1630.8B

1. In accordance with the references, you are hereby advised that I intend to request that the Commanding General, Marine Corps Air Ground Combat Center revoke your driving privileges aboard the Combat Center for one year for drug abuse. My request is based upon your \_\_\_\_\_ of \_\_\_\_\_ as confirmed by \_\_\_\_\_.

2. Prior to a decision being made in your case, you have the right to request a hearing before the Traffic Hearing Officer. At that hearing you can examine the evidence against you and present any evidence or other matters you desire to be considered.

3. You are hereby directed to complete the endorsement to this correspondence by \_\_\_\_\_ and advise me as to whether you desire a hearing in this matter.

\_\_\_\_\_  
COMMANDING OFFICER'S SIGNATURE

FIRST ENDORSEMENT

From: Individual Concerned  
To: Commanding Officer, \_\_\_\_\_

1. Returned.

2. I acknowledge receipt of this correspondence. I do/do not desire to have a hearing.

\_\_\_\_\_  
INDIVIDUAL CONCERNED

MOTOR VEHICLE AND TRAFFIC REGULATIONS

APPENDIX F

NOTICE OF TEMPORARY SUSPENSION OF COMBAT CENTER DRIVING PRIVILEGES

LETTERHEAD

DATE: \_\_\_\_\_

From: Provost Marshal

To: \_\_\_\_\_ SSN \_\_\_\_\_ UNIT \_\_\_\_\_  
Sponsor \_\_\_\_\_ SSN \_\_\_\_\_ UNIT \_\_\_\_\_

Ref: (a) CCO P1630.8B

1. Department of Defense regulations implemented by the reference require the immediate temporary suspension of Combat Center Driving Privileges whenever a military member or civilian having Center driving privileges is cited or apprehended on or off Base by any civilian or military law enforcement agency for any alcohol or drug related driving offense or whenever such an individual refuses to submit to a Blood Alcohol Content (BAC) test. Unless sooner terminated as described below, the temporary suspension must continue until the case is finally resolved.

2. The following information supports the facts pertaining to your case:

a. Date cited/apprehended \_\_\_\_\_

b. Law Enforcement Agency \_\_\_\_\_

c. Offense \_\_\_\_\_

d. BAC % : BRE \_\_\_\_\_/BLD \_\_\_\_\_/URN \_\_\_\_\_/Refused BAC test (yes/no)

3. Effective this date your driving privileges aboard the Combat Center and all other military installations are temporarily suspended pending final resolution of your case. At this time pending the resolution of your case, only your direct dependent(s) may be authorized to drive your vehicle on the Combat Center or any other military installation. Failure to comply with this suspension constitutes disobedience of a general order.

4. You have the right to appeal the temporary suspension and have it terminated. Your appeal must be in writing, addressed to the Combat Center Traffic Hearing Officer, and submitted to the Provost Marshal's Office within ten working days from the date of this notice.

J. E. RAY

I certify that I have read and understand the meaning and effect of this **NOTICE OF TEMPORARY SUSPENSION OF DRIVING PRIVILEGES**. I will also abide by the following:

1. I will report to the Traffic Court Clerk located at PMO Admin, **Bldg 1408**, ext # 5459 by 1300 on \_\_\_\_\_.

\_\_\_\_\_  
DRIVER

\_\_\_\_\_  
DATE

\_\_\_\_\_  
WITNESS (WATCH COMMANDER)

\_\_\_\_\_  
DATE



MOTOR VEHICLE TRAFFIC REGULATIONS

APPENDIX G

REQUEST FOR REINSTATEMENT OF DRIVING PRIVILEGES

\_\_\_\_\_  
(DATE)

From: (Name, Rank, SSN, Unit)  
To: Commanding General, Marine Corps Air Ground Combat Center (SJA)  
Via: (1) Battalion/Company Commander,  
(2) Provost Marshal, MCAGCC

Subj: REINSTATEMENT OF DRIVING PRIVILEGES

Ref: (a) CCO P1630.8B

Encl: (1) Remedial Driving Certificate  
(2) PREVENT Certificate (for alcohol related offenses)

1. On \_\_\_\_\_, 19\_\_\_\_, my driving privileges were suspended/revoked for a period of \_\_\_\_\_ months, ending on \_\_\_\_\_, 19\_\_\_\_. In accordance with the reference, it is requested that my privileges to drive aboard MCAGCC be reinstated. The enclosures are submitted to document completion of training or treatment requisite for reinstatement.

\_\_\_\_\_  
Signature

-----  
Date:\_\_\_\_\_

FIRST ENDORSEMENT

From: Battalion/Company Commander\_\_\_\_\_  
To: Commanding General, Marine Corps Air Ground Combat Center (SJA)  
Via: Provost Marshal, MCAGCC

1. Recommendation: \_\_\_\_\_.

2. Comments: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_.

\_\_\_\_\_  
Signature

MOTOR VEHICLE TRAFFIC REGULATIONS

SECOND ENDORSEMENT on \_\_\_\_\_ltr of \_\_\_\_\_

From: Provost Marshal, MCAGCC

To: Commanding General, Marine Corps Air Ground Combat Center (SJA)

Subj: REINSTATEMENT OF DRIVING PRIVILEGES

1. Recommendation: \_\_\_\_\_

\_\_\_\_\_

2. Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Signature

-----

Date: \_\_\_\_\_

THIRD ENDORSEMENT

From: Commanding General, Marine Corps Air Ground Combat Center (SJA)

To: \_\_\_\_\_

Via: (1) Provost Marshal, MCAGCC

(2) Battalion Commander, \_\_\_\_\_

1. Your request for reinstatement of driving privileges is:

\_\_\_ a. Approved, effective this date.

\_\_\_ b. Approved, but limited to the following: \_\_\_\_\_

\_\_\_\_\_

\_\_\_ c. Denied as untimely.

d. Disapproved by reason of: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
By direction

MOTOR VEHICLE TRAFFIC REGULATIONS

APPENDIX H

REQUEST FOR LIMITED DRIVING PRIVILEGES

\_\_\_\_\_  
(DATE)

From: (Name, Rank, SSN, Unit)  
To: Commanding General, Marine Corps Air Ground Combat Center (SJA)  
Via: (1) Battalion/Company Commander, \_\_\_\_\_  
(2) Provost Marshal, MCAGCC

Subj: REQUEST FOR LIMITED DRIVING PRIVILEGES

Ref: (a) CCO P1630.8B

1. On \_\_\_\_\_, 19\_\_\_\_, my driving privileges were suspended/revoked for a period of \_\_\_\_\_ months, ending on \_\_\_\_\_, 19\_\_\_\_. per the reference, I am requesting Limited Driving Privileges to and from the following places for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature

-----  
Date: \_\_\_\_\_

FIRST ENDORSEMENT

From: Battalion/Company Commander, \_\_\_\_\_  
To: Commanding General, Marine Corps Air Ground Combat Center (SJA)  
Via: Provost Marshal, MCAGCC

1. Recommendation: \_\_\_\_\_.

2. Comments: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_.

\_\_\_\_\_  
Signature